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प्राधिकार से प्रकाशित

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सं० 14]

नई दिल्ली, शनिवार, अप्रैल 8, 1978/चैत्र 18, 1900

No. 14]

NEW DELHI, SATURDAY, APRIL 8, 1978/CHAITRA 18, 1900

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 9 मार्च, 1978

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 9th March, 1978

कां०आ० 980—यत, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1977 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 7-मालदा संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कृष्ण कृपाल सतियार, गोलापती पो० मालदा जिला मालदा, पश्चिमी बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्द्वारा बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का वर्णन लेख दाखिल करने में असफल रहे हैं,

और, यत उक्त उम्मीदवार ने, उसे सत्य-तुदा दिये ज्ञान पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यान नहीं है;

अतः, अब उक्त अधिनियम की धारा 10-A के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कृष्ण कृपाल सतियार को समद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० ५०६०-लो०म०/7/77]

वी० नागसुब्रमण्यन, सचिव

S.O 980—Whereas the Election Commission is satisfied that Shri Krishna Kripal Satiar Golapatty, P.O. Malda, District Malda, West Bengal a contesting candidate for general election to the House of the People from 7-Malda Parliamentary Constituency held in March, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Krishna Kripal Satiar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order,

[No. WB-HP/7/77]

V NAGASUBRAMANIAN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 22nd March, 1978

CORRIGENDUM

S.O. 961.—In the Ministry's Notification published in the Gazette of India Extraordinary Part II, Section 3(ii), Serial No. 49 dated 3rd February, 1978 under S. O. 63(E) on page 136 col. 1 (English Version) in modification No. 1 read "1. In section 2,—" in place of "1. In section,—".

[No. S-13013/1/75-SR]

A. K. VARMA, Dy. Secy

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 6 फरवरी, 1978

(आय-कर)

क्र० आ० 982.—केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा 2(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री अनन्तपदमनाभस्वामी मन्दिर, गांधीनगर, अद्वयार, मद्रास को उक्त धारा के प्रयोजनों के लिए तमिलनाडु राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 2155/का०सं०/176/10/78-आई०टी० (ए I)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 6th February, 1978

(INCOME-TAX)

S.O. 982.—In exercise of the powers conferred by sub-section 2(b) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Ananthapadmanabhaswamy Temple, Gandhinagar, Adyar, Madras", to be a place of public worship of renown throughout the State of Tamil Nadu for the purposes of the said Section.

[No. 2155/F. No. 176/10/78-IT(AI)]

नई दिल्ली, 14 फरवरी, 1978

(आय-कर)

क्र० आ० 983.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा 2(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "सेन्ट फ्रांसिस कैथेड्रल एर्नाकुलम" को उक्त धारा के प्रयोजनों के लिए केरल राज्य में सर्वत्र विख्यात लोक पूजा का स्थान अधिसूचित करती है।

[सं० 2174/का०सं० 176/13/78-आई०टी० (ए-I)]

एम० शास्त्री, अवर सचिव

New Delhi, the 14th February, 1978

(INCOME-TAX)

S.O. 983.—In exercise of the powers conferred by sub-section 2(b) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "St. Francis Cathedral, Ernakulam" to be a place of public worship of renown throughout the State of Kerala for the purposes of the said Section.

[No. 2174/F. No. 176/13/78-IT(AI)]

M. SHASTRI, Under Secy.

(वित्त मंत्रालय)

(बीमा विभाग)

नई दिल्ली, 21 मार्च, 1978

क्र० आ० 984.—बीमा नियम, 1939 में और संशोधन करने के लिए नियमों का एक प्रारूप, बीमा अधिनियम, 1938 (1938 का 4)

की धारा 114 की उपधारा (1) की अपेक्षानुसार भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) की अधिसूचना संख्या का० आ० 1188 तारीख 1 अप्रैल, 1977 के पृष्ठ, 1417 पर प्रकाशित किया गया था, जिसमें 23 अप्रैल, 1977 से साठ दिन की समाप्ति तक उन सभी व्यक्तियों से आक्षेप या सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की संभावना थी;

और उक्त राजपत्र 27 अप्रैल, 1977 को जनता को उपलब्ध करा दिया गया था;

और केन्द्रीय सरकार को जनता से उक्त प्रारूप की बाबत कोई आक्षेप और सुझाव प्राप्त नहीं हुए हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 114 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बीमा नियम, 1939 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

1. (1) इन नियमों का सञ्चित नाम बीमा (संशोधन) नियम, 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. बीमा नियम, 1939 में, नियम 17 ड में, अंत में आने वाले शब्दीकरण का लोप किया जाएगा।

[का० सं० 102/आई०एफ० (1)/69-51(3) बीमा 1/76]

डी० आर० अहुजा, अवर सचिव

(Department of Economic Affairs)

(Insurance Wing)

New Delhi, the 21st March, 1978

S.O. 984.—Whereas certain rules further to amend the Insurance Rules, 1939, were published as required by sub-section (1) of section 114 of the Insurance Act, 1938 (4 of 1938), at page 1417 of the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 23rd April 1977 under the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) No. S. O. 1188, dated the 1st April, 1977, inviting objections or suggestions from any person likely to be affected thereby, till the expiry of sixty days from the 23rd April, 1977;

And whereas the said Gazette was made available to the public on the 27th April, 1977;

And whereas no objections or suggestions have been received from the public on the said draft rules;

Now, therefore, in exercise of the powers conferred by section 114 of the said Act, the Central Government hereby makes the following rules further to amend the Insurance Rules, 1939, namely:—

1. (1) These rules may be called the Insurance (Amendment) Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Insurance Rules, 1939, in rule 17E, the Explanation occurring at the end shall be omitted.

[F. No. 102-IF(1)/69-51(3) Ins. I/76]

D. R. AHUJA, Under Secy.

घादेश

नई दिल्ली, 22 मार्च, 1978

स्टाम्प

क्र० आ० 985.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों

प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा उक्त शर्तों को माफ करती है जो रूरल इलेक्ट्रिकेशन कॉर्पोरेशन लिमिटेड, नई दिल्ली द्वारा प्रोमिसरी नोटों के रूप में जारी किये जाने वाले ग्यारह करोड़ रुपये मूल्य के बन्ध पत्रों पर तथा उसके परवर्ती अन्तरण के साक्ष्य स्वरूप दस्तावेजों पर उक्त अधिनियम के अधीन प्रभावी है।

[सं. 8/78-स्टाम्प/फा० सं. 33/3/78-वि० फा०]

एस० डी० रामस्वामी, अवर सचिव

ORDER

New Delhi, the 22nd March, 1978

STAMPS

S.O. 985.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the form of promissory notes to the value of eleven crores of rupees, to be issued by the Rural Electrification Corporation, New Delhi and the documents evidencing subsequent transfer of the same, are chargeable under the said Act.

[No. 8/78-Stamp—F. No. 33/5/78-ST]

S. D. RAMASWAMY, Under Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 22 मार्च, 1978

का. आ. 986.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) योजना, 1970 की धारा 3 की उपधारा (ज) के अनुसूचन में केन्द्रीय सरकार, श्री ज. सी. राय के स्थान पर विस्तृत मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग) नई दिल्ली के निदेशक श्री वी. के. शुंग्लू को एतद्वारा सिंडीकेट बैंक के निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 9/2/77-बी. ओ. 1]

सी. डब्ल्यू. मीरचंदानी, अवर सचिव

(Banking Division)

New Delhi, the 22nd March, 1978

S.O. 986.—In pursuance of sub-section (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri V. K. Shunglu, Director, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as a Director of the Syndicate Bank vice Shri J. C. Roy.

[No. F. 9/2/77-BO.I]

C. W. MIRCHANDANI, Under Secy.

का. आ. 987.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पीठित खण्ड 3 के उपखण्ड (क) के अनुसूचन में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री वी. के. थरकाक्किय को 1 अप्रैल, 1978 से प्रारम्भ होने वाली और 31 मार्च, 1981 को समाप्त होने वाली अवधि के लिए इंडियन ओवरसीज बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं. 9/13/77-बी. ओ.-1(1)]

S.O. 987.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised

Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. V. Yerkadithaya as the Managing Director of the Indian Overseas Bank for the period commencing on 1st April, 1978 and ending with 31st March, 1981.

[No. F. 9/13/77-BO.I(1)]

का. आ. 988.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पीठित खण्ड 5 उपखण्ड (1) के अनुसूचन में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री वी. के. थरकाक्किय को, जिन्हें 1 अप्रैल, 1978 से इंडियन ओवरसीज बैंक के प्रबंध निदेशक के रूप में नियुक्त किया गया है, उसी तारीख से इंडियन ओवरसीज बैंक के निदेशक बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[सं. 9/13/77-बी. ओ.-1(2)]

बलदेव सिंह, संयुक्त सचिव

S.O. 988.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. V. Yerkadithaya who has been appointed as Managing Director of the Indian Overseas Bank with effect from 1st April, 1978 to be the Chairman of the Board of Directors of the Indian Overseas Bank with effect from the same date.

[No. F. 9/13/77-BO.I(2)]

BALDEV SINGH, Jt. Secy.

सीमा शुल्क तथा केन्द्रीय उत्पाद शुल्क तथा हार्तालय, ग्रहमदाबाद

ग्रहमदाबाद, 1 फरवरी, 1977

का० प्रा० 989.—सीमा शुल्क अधिनियम, 1962 (1962 का 52) के खण्ड 8(क) के अधीन मुझे प्रेषित शक्तियों के माते, मैं, डी०एन० मेहता, समाहर्ता, केन्द्रीय उत्पाद शुल्क तथा सीमा शुल्क, ग्रहमदाबाद, नीचे की सारणी में सविस्तार दिये गये जहाजघाट को, उक्त सारणी के स्तम्भ-2 में किए गये उल्लेख के अनुसार, केवल नमक के शीपमेंट तथा लोडींग के लिए, स्थान होने का एतद्वारा अनुमोदन देता हूँ, बशर्ते कि सीमा शुल्क अधिनियम, 1962 के अन्य संबंधित प्रावधानों और भारत सरकार द्वारा जारी किए गये अन्य अनुदेशों का सख्ती से पालन हो, और उक्त सारणी के स्तम्भ-5 में दिए गये ध्यौर के अनुसार ऐसे स्थान की सीमाएं भी नियत करता हूँ जिसे उक्त अधिनियम के प्रावधान लागू होंगे :—

सारणी

क्रमांक	पोर्ट का नाम	लैंडिंग स्थान	क्षेत्र	सीमाएं
1	2	3	4	5
1.	पिपाबाव (पोर्ट थालबर्ट डिक्टर)	मोटा-पट कीक के तट पर ज्वान्ब की धोर स्थिति मैसर्स सीराट्ट साल्ट वर्क्स, पिपाबाव के स्वामिरब बाला जहाजघाट	175' X 8'	उत्तर : मोटापट कीक पूर्व : सीराट्ट साल्ट वर्क्स सं० 2 दक्षिण : यमोपरि पश्चिम : रिक्ले-इयलेख

[अधिसूचना सं० सीमा शुल्क 1/1977/फा० सं० VIII-48-238-सीमा शुल्क/5]

Customs & Central Excise Collectorate, Ahmedabad

Ahmedabad, the 1st February, 1977

S.O. 989.—By virtue of the powers vested in me under Section 8(a) of the Customs Act, 1962 (52 of 1962) I, D.N. Mehta, Collector of Customs & Central Excise, Ahmedabad hereby approve the wharf detailed in schedule to be the place for loading and shipment of salt only subject to the strict observance of other relative provisions of the Customs Act, 1962 and other instructions, issued by the Government of India and also determine the limits of such place as specified in column 5 of the said schedule to which the provisions of the said Act shall apply:—

SCHEDULE

Sr. No.	Name of the Port	Landing place	Area	Limits
1	2	3	4	5
1.	pipavav (Port Albert Victor)	Wharf owned by M/s. Saurashtra Salt Works, Pipavav, situated on bank of Motapat creek on Chanch side.	175'x8'	North—Motapat creek. East—Saurashtra Salt Works, No. 2, South—do- West—Reclaimed land.

[Notification No. Customs 1/1977/F.No. VIII/48-268/CUS/75]

अहमदाबाद, 27 जुलाई, 1977

क्रा० 10 990—सीमा शुल्क अधिनियम, 1962 (1962 का 52) के खण्ड 8(क) के अधीन मुझे प्रदत्त शक्तियों के तहत, मैं डी०एन० मेहता, समाहर्ता केन्द्रीय उत्पाद शुल्क तथा सीमा शुल्क, अहमदाबाद नीचे की सारणी में सविस्तार वि० ग० जहाजघाट को, उक्त सारणी में स्तम्भ 2 में किए गये उल्लेख के अनुसार कर्षण नमक के शीपमेंट तथा लोडींग के लिए, स्थान होने का एतद्वारा अनुमोदन देता हूँ, बशर्ते कि सीमा शुल्क अधिनियम, 1962 के अन्य संबंधित प्रावधानों और भारत सरकार द्वारा जारी किए गये अन्य अनुदेशों का सख्ती से पालन हो, और उक्त सारणी के स्तम्भ 5 में दिए गये ब्यौरे के अनुसार ऐसे स्थान की सीमाएं भी नियत करता हूँ जिसे उक्त अधिनियम के प्रावधान लागू होंगे।

सारणी

क्रमिक	पोर्ट का नाम	लोडींग स्थान	क्षेत्र	सीमाएं
1	2	3	4	5
1.	भोरपार बंदर (पोर्ट देवपरी क्रिक)	देवपरी क्रिक साइड के किनारे मे जुनागढ़ साल्ट एंड एलाइड केमिकल वर्क्स, भोरपार बंदर के स्वामित्व वाला जहाजघाट	20' X 20'	पूर्व—देवपरी क्रिक पश्चिम—जुनागढ़ साल्ट वर्क उत्तर—देवपरी क्रिक दक्षिण—सौराष्ट्र साल्ट वर्क

[अधिसूचना सं० सीमा शुल्क 3/1977/फा० सं० III/43-1/सी० श०/76]

डी० एन० मेहता, समाहर्ता

Ahmedabad, the 27th July, 1977

S.O. 990.—By virtue of the powers vested in me under Section 8(a) of the Customs Act, 1962 (52 of 1962) I, D.N. Mehta, Collector of Customs & Central Excise, Ahmedabad hereby approve the wharf detailed in schedule below, as specified in column 2 of the said schedule, to be the place for loading and shipment of SALT ONLY subject to the strict observance of relevant provisions of the Customs Act, 1962 and other instructions, issued by the Government of India from time to time and also determine the limits of such place as specified in column 5 of the said schedule to which the provisions of the said Act shall apply —

SCHEDULE

Sr. No.	Name of the port	Landing Place	Area	Limits
1	2	3	4	5
1.	Bherai Bunder (Port Albert Victor).	Wharf owned by M/s. Junagadh Salt & Allied Chemical Works, Bherai Bunder, situated on bank of Devarpari creek side.	20'x20'	East—Devarpari creek West—Junagadh Salt Work. North—Devarpari creek. South—Saurashtra Salt Work.

[Notification No. customs 3/1977/F. No. VIII/43-1/CUS/76]
D N MEHTA, Collector

सीमा शुल्क तथा केन्द्रीय उत्पाद शुल्क समाहर्तालय (केन्द्रीय उत्पाद शुल्क विंग) कोचीन-11

कोचीन, 10 जनवरी 1978

केन्द्रीय उत्पाद शुल्क

क्रा० आ० 991—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मैं इस अधिसूचना द्वारा कोचीन स्थित सीमा शुल्क व केन्द्रीय उत्पाद शुल्क समाहर्तालय के मंडल कार्यालयों के प्रभारी सहायक समाहर्ताओं, (केन्द्रीय उत्पाद शुल्क) को अपने-अपने अधिकार क्षेत्र में, उक्त नियमावली के नियम 49-क के अन्तर्गत प्रदत्त समाहर्ता की शक्तियों के प्रयोग का अधिकार प्रदान करता हूँ।

[अधिसूचना सं० 2/78]

टी० एस० स्वामीनाथन, समाहर्ता

COLLECTORATE OF CUSTOMS AND CENTRAL EXCISE

(Central Excise Wing, Cochin-11)

Cochin, the 10th January, 1978

CENTRAL EXCISE

S.O. 991.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Assistant Collectors of Central Excise in charge of Divisions in the Collectorate of Customs & Central Excise, Cochin-11 to exercise within their respective jurisdiction, the powers of the Collector under Rule 49-A of the Central Excise Rules, 1944.

[Notification No. 2/78]

T. S. SWAMINATHAN, Collector

आयकर आयुक्त का कार्यालय (1 और 2) मध्य प्रदेश भोपाल

भोपाल, 23 मार्च, 1978

क्रा०आ० 992—प्रकाशन हेतु उन करदाताओं के नाम और विवरण जिनके मामले में वित्तीय वर्ष 1976-77 के दौरान 1 लाख रुपये से अधिक आयकर की मांग बढ़े खाते डाल दी गई है—

क्रम	करदाता का नाम और पता	हैमियत	निर्धारण वर्ष	बढ़े खाते डाली गई राशि	बढ़े खाते जाने जाने का संक्षिप्त कारण
1	2	3	4	5	6
1	मे० शेख रसूल मोटर ट्रांसपोर्ट क० (प्रा०) लिमिटेड, जबलपुर	प्राई० लिमि० क०	1961-62 1962-63 1963-64 1964-65 1965-66 1966-67 1967-68 1968-69 1969-70 1970-71 कुल	54,026 48,134 35,112 36,966 33,289 59,639 31,112 24,679 41,460 4,115 3,19,562	1 मार्च 1977 को करदाता की ओर कुल बकाया माग 3,98,157 रु० थी। यह मामला आयकर अधिकारी ए II, वार्ड जबलपुर द्वारा प्रस्तुत किया गया, निरीक्षीय सहायक आयकर आयुक्त जबलपुर ने इसका समर्थन किया और आंशिक रूप से बढ़े खाते डालने के प्रस्ताव को भेजा। इस प्रस्ताव का कर वसूली अधिकारी के इस प्रमाण पत्र द्वारा समर्थन किया गया कि 3,50,000 रु० की मांग की वसूली नहीं की जा सकती। 21.3.77 को क्षेत्रीय समिति ने मामले पर विचार किया। चूंकि कर्ता कम्पनी और इसके निदेशकों के पास कोई आस्थिया नहीं थी जिससे कि वसूली की जा सकती। एक निवेशक के पास अचल संपत्ति थी, जो उसके व्यक्तिगत आयकर दायित्वा का पूरा करने के लिये भी पर्याप्त नहीं थी। मामले के विभिन्न तथ्यों पर विचार करने के बाद समिति ने 3,49,562 रुपये बढ़े खाते डालने की सिफारिश की।
2	श्री जदूनारायण रामेश्वर 53, बड़ा सराफा, इंदौर	वैयक्तिक	51-52 52-53 53-54 54-55 55-56 58-59 कुल	1,29,192 26,645 45,729 46,020 51,940 174 3,00,000	1-9-76 को करदाता की ओर कुल बकाया माग 3,59,273 रु० थी। यह मामला आयकर अधिकारी के बोर्ड इंदौर द्वारा प्रस्तुत किया गया, निरीक्षीय सहायक आयकर आयुक्त, रज-1, इंदौर ने इसका समर्थन किया और आंशिक रूप से बढ़े खाते डालने के प्रस्ताव को भेजा। इस प्रस्ताव का कर वसूली अधिकारी के इस प्रमाण पत्र द्वारा समर्थन किया गया कि मांग की वसूली नहीं की जा सकती। 30-9-76 का क्षेत्रीय समिति ने मामले पर विचार किया। चूंकि कर्ता करदाता के पास ऐसी कोई आस्थिया नहीं है जिससे कि वसूली की जा सकती। मामले के विभिन्न तथ्यों पर विचार करने के बाद समिति ने 3,00,000 रुपये बढ़े खाते डालने की सिफारिश की।
3	स्व० श्री मिश्रीलाल, प्रोप० म० अ० श्रीकार जी मिश्रीलाल, मन्दासौर	वैयक्तिक	11-15 45-46 16-47 17-18 18-49 19-50 50-51 51-52 52-53 कुल	2,60,185 22,622 2,43,606 51,401 15,051 2,483 4,460 10,830 14,170 6,31,108	1-2-77 का करदाता की ओर कुल बकाया माग, 6,56,105 रुपये थी। यह मामला आयकर अधिकारी, ए-वार्ड, मन्दासौर द्वारा प्रस्तुत किया गया निरीक्षीय सहायक आयकर आयुक्त, रज-1, इंदौर ने इसका समर्थन किया और आंशिक रूप से बढ़े खाते डालने के प्रस्ताव को भेजा इस प्रस्ताव का कर वसूली अधिकारी के इस प्रमाण पत्र द्वारा समर्थन किया गया कि मांग की वसूली नहीं की जा सकती। 7-2-77 को जेड, डब्ल्यू०सी० ने मामले पर विचार किया। चूंकि कर्ता करदाता के पास ऐसी कोई आस्थिया नहीं है जिससे कि वसूली की जा सकती। मामले के विभिन्न तथ्यों पर विचार करने के बाद समिति ने 6,31,108 रु० बढ़े खाते डालने की सिफारिश की।

1	2	3	4	5	6
				रु०	
4. मे० बलवंत सिंह एंड संस, बैतूल	हि० सं० प०	52-53	83,770	1-2-77 को करदाता की ओर कुल बकाया मांग 4,51,583 रु० थी। यह मामला आयकर अधिकारी बैतूल द्वारा प्रस्तुत किया गया, निरीक्षीय सहायक आयकर आयुक्त, भोपाल ने इसका समर्थन किया और आंशिक रूप से बट्टे खाते डालने के प्रस्ताव को भेजा। इस प्रस्ताव का कर वसूली अधिकारी के प्रमाणपत्र द्वारा समर्थन किया गया कि मांग की वसूली नहीं की जा सकती। 7-2-77 को क्षेत्रीय बट्टे खाते समिति ने मामले पर विचार किया। शूककर्ता करदाता के पास कोई आस्थिपत्र नहीं थी जिससे कि वसूली की जा सकती। मामले के विभिन्न पहलुओं पर विचार करने के बाद समिति ने 3,76,583 रुपये बट्टे खाते डालने की सिफारिश की।	
		53-54	2,74,805		
		55-56	17,808		
		57-58	200		
		कुल :	3,76,583		
5. मे० करमसिंह अस्तरसिंह भोड़ाडोगरी	हि० सं० प०	52-53	638	1-2-77 को करदाता की ओर कुल मांग 1,67,168 रु० थी। यह मामला आयकर अधिकारी बैतूल द्वारा प्रस्तुत किया गया निरीक्षीय सहायक आयकर आयुक्त, भोपाल ने इसका समर्थन किया और आंशिक रूप से बट्टे खाते डालने के प्रस्ताव को भेजा। इस प्रस्ताव का कर वसूली अधिकारी के प्रमाणपत्र द्वारा समर्थन किया गया कि मांग की वसूली नहीं की जा सकती। 7-2-77 को क्षेत्रीय बट्टे खाते समिति ने मामले पर विचार किया। शूककर्ता करदाता के पास कोई आस्थिपत्र नहीं है जिससे कि वसूली की जा सके। मामले के विभिन्न तथ्यों पर विचार करने के बाद समिति ने 1,42,168 रुपये बट्टे खाते डालने की सिफारिश की।	
बैतूल		53-54	1,032		
		54-55	5,305		
		55-56	51,382		
		56-57	48,844		
		57-58	15,608		
		58-59	8,751		
		59-60	1,912		
		61-62	8,696		
		कुल :	1,42,168		

उपरोक्त 5 मामलों के लिए टिप्पणी : "किसी व्यक्ति का बकाया कर बट्टे खाते डाल देने का अर्थ यह है कि आयकर विभाग की राय में इसके प्रकाशित होने की तारीख पर, इसे करदाता की बात आस्थिपत्रों से वसूल नहीं किया जा सका। इस प्रकाशन सूचना का यह अर्थ नहीं है कि राशि कानूनी तौर पर वसूल नहीं की जा सकती अथवा करदाता की उक्त राशी के भुगतान की जिम्मेदारी से मुक्त कर दिया गया है।"

[सं० एफ० डब्ल्यू० मो०/पी०/75]

Office of the Commissioner of Income-tax Madhya Pradesh-I/II, Bhopal

Bhopal, the 23rd March, 1978

S.O. 992.—Names and particulars of the assesseees for publication in whose cases income-tax demands exceeding Rs. 1 lakh have been written off during the financial year 1976-77:—

S. No.	Name and address of the assessee	Status	Asstt. Year	Amount written off	Brief reasons for write off
(1)	(2)	(3)	(4)	(5)	(6)
				Rs.	
1.	M/s. Sheikh Rasool Motor Transport Co (Pvt.) Ltd., Jabalpur.	Pvt. Ltd. Company	1961-62	54,026	The total arrears outstanding against the assessee were Rs. 3,98,457/- as on 1st March, 1977. The I.A.C., Jabalpur recommended and forwarded partial write off proposals in this case submitted by the Income-tax Officer, A-II Ward, Jabalpur. The proposal was duly supported by the T.R.O.'s certificate of irrecoverability of demand of Rs. 3,50,000 on 21-3-77 the Zonal Committee considered the case. The defaulter Company and its Directors had no assets from which recovery could be made. One of the Directors had immovable properties which were not sufficient to meet his individual Income-tax liabilities. After considering the various facts of the case the Committee recommended write off of Rs. 3,49,562.
			1962-63	48,134	
			1963-64	35,142	
			1964-65	36,966	
			1965-66	33,289	
			1966-67	59,639	
			1967-68	34,112	
			1968-69	2,679	
			1969-70	41,460	
			1970-71	4,115	
			Total :	3,49,562	

(1)	(2)	(3)	(4)	(5)	(6)
				Rs	
2	Shri Badrinaram Rameshwar, 53, Bada Sarafa, Indore.	Indl	51-52 52-53 53-54 54-55 55-56 58-59 Total:	1,29,492 26,645 45,729 46,020 51,940 174 3,00,000	The total arrears outstanding against the assessee were Rs. 3,59,273 as on 1-9-76. The IAC Range-I, Indore recommended and forwarded partial write off proposals in this case submitted by ITO K-Ward, Circle-I, Indore. The proposal was duly supported by the TRO's certificate of irrecoverability of demand. On 30-9-76 the Zonal Write off Committee considered the case. The defaulter assessee has no assets from which recovery could be made. After considering the various facts of the case the Committee recommended for write off of Rs. 3,00,000.
3	Late Shri Mishrilal, Prop of M/s On-karni Mishrilal, Mandasaur	Indl.	44-45 45-46 46-47 47-48 48-49 49-50 50-51 51-52 52-53 Total	2,60,185 22,622 2,43,606 54,401 18,051 2,483 4,460 10,830 14,470 6,31,108	The total arrears outstanding against the assessee were Rs. 6,56,108 as on 1-2-77. The IAC Range-I, Indore recommended and forwarded partial write off proposals in this case submitted by ITO A-Ward, Mandasaur. The proposal was duly supported by TRO's Certificate of irrecoverability of demand. On 7-2-77 the ZWC considered the case. The defaulter had no assets from which the recovery could be made. After considering the various facts of the case, the Committee recommended for write off of Rs. 6,31,108.
4	M/s. Balwant Singh & Sons, Betul	HUF	52-53 53-54 55-56 57-58 Total	83,770 2,74,805 17,808 200 3,76,583	The total arrears outstanding against the assessee were Rs. 4,51,583 as on 1-2-77. The IAC, Bhopal recommended and forwarded partial write off proposals in this case submitted by ITO, Betul. The proposal was duly supported by TRO's Certificate of irrecoverability of demand. On 7-2-77, the Total Write off committee considered the case. The defaulter assessee has no asset from which recovery could be made. After considering the various aspects of the case the Committee recommended for Write off of Rs. 3,76,583.
5	M/s. Karam Singh Attar Singh, Chora-dongri, Betul	HUF	52-53 53-54 54-55 55-56 56-57 57-58 58-59 59-60 61-62 Total	638 1,032 5,305 51,382 48,844 15,608 8,751 1,912 8,696 1,42,168	The total arrears outstanding against the assessee were Rs. 1,67,168 as on 1-2-77. The IAC, Bhopal recommended and forwarded partial write off proposals in this case submitted by ITO, Betul. The proposal was duly supported by TRO's Certificate of irrecoverability of demand. On 7-2-77, the Zonal Write off Committee considered the case. The defaulter assessee has no asset from which recovery could be made. After considering the various facts of the case, the Committee recommended for write off of Rs. 1,42,168.

Note for above 5 cases: "The statement that the tax due from a person has been written off only means that in the opinion of the Income-tax Department it cannot on the date of publication be realised from the known assets of the assessee. The publication does not imply that the amount is irrecoverable in law or that the assessee is discharged from his liability to pay the amount in question."

[No F. WO/P/75]

क्रा० मा० 993—31-3-77 को आय-कर अधिनियम, 1961 की धारा 287 के अधीन प्रकाशित की जाने वाली उन शूकरकर्ताओं की सूची, जिन्होंने दो वर्ष और हमसे अधिक की अवधि तक राशि भुगतान में शूक की है।

अनुसूची

क्रम सं०	करदाता का नाम और पता	बकाया मांग
1	2	3
1	मै० पटेल मोतीलाल मेहता एंड कं०, घोड़ाडोंगरी, बैतूल	2,02,700 रु०
2	मै० जियालाल श्यामलाल बैतूल	1,36,825 रु०

1	2	3
3	श्री पंचमसिंह, फारेस्ट कंट्रिक्टर, उमरिया, जिला गढ़डील	1,23,524 रु०
4	मै० जी० एच० कुक एंड सन, कटनी	2,12,491 रु०
5	श्री धरमदास अग्रवाल, कर्ता मै० राममदन नाथूलाल, कटनी	2,06,978 रु०
6	श्री अमृतलाल आमन्द, रायपुर	1,02,124 रु०
7	सरदार अमोलकसिंह पुत्र सरदार सुजानसिंह, डोशरगढ़	1,00,040 रु०
8	स्व० पुरुषोत्तम मोवा, रायगढ़	20,85,780

1	2	3
9. मै० प्रभुदयाल शिवनारायण, द्वारा श्री हरीशचन्द्र, बुधवारी बाजार, मिचनी		4,84,836 रु०
10. मै० पालूराम धनानिशा, रायगढ़	1,75,477 ई० पी०टी० और आई० टी०	4,52,870
11. सोहन लाल सुरेशचन्द्र, धमतरी, जिला रायपुर		1,32,226 रु०
12. मै० उदमीराम रामस्वरूप, रायगढ़		2,06,448 रु०

[एफ० सं० सी० एम०-10/74-75]

जी० एम० बसंती, आय-कर आयुक्त

S. O. 993.—List of defaulters as on 31-3-77 for publications u/s 287 of the Income-tax Act, 1961 for the amount in default for the period exceeding two years and above.

SCHEDULE

S. No.	Name & address of the assessee	Demand outstanding
(1)	(2)	(3)
		Rs.
1.	M/s. Patel Motilal Mehta & Co. Ghoradongri, Betul	2,02,700
2.	M/s. Jiyalal Shyamlal, Betul	1,36,825
3.	Shri Panchamsing, Forest Contractor, Umaria, Dist. Shahdol	1,23,524
4.	M/s. G.H. Cook & Sons, Katni	2,12,491
5.	Shri Dharamdas Agarwal Karta of M/s. Ramsaran Nathulal, Katni	2,06,978
6.	Shri Amritlal Anand, Raipur	1,02,124
7.	Sardar Amolak Singh, s/o Sardar Sujan Singh, Dongargarh	1,00,040
8.	Late Purushottamdas Moda, Raigarh	20,85,780
9.	M/s. Prabhudayal Sheonarayan through Shri Harishchandra, Budhwari Bazar, Seoni	4,84,836
10.	M/s. Paluram Dhanania, Raigarh	1,75,477 EPT & IT 4,52,870
11.	Sohanlal Sureshchand, Dhमतरी, Distt. Raipur	1,32,226
12.	M/s. Udmiram Ramswaroop, Raigarh	2,06,848

[F.No.CS-10/74-75]

G. S. BASANTI, Commissioner of Income-tax

केन्द्रीय उत्पाद-शुल्क समाहर्ता कार्यालय, बंगलौर

बंगलौर, 7 जनवरी, 1978

केन्द्रीय उत्पाद शुल्क

फा० आ० 994—केन्द्रीय उत्पाद शुल्क नियमावली, 1911 के नियम 5 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मै. इम्. अधिसूचना द्वारा, इस समाहर्तारो के नीचे बताए गए अधिकारियों को, केन्द्रीय उत्पाद शुल्क नियमावली, 1941 के नियम 173-आर० के० (2) के अन्तर्गत उन मामलों के सम्बन्ध में हुए विलम्ब का, जहां कर निर्धारित नियम 173-आर० डी० (2) के अन्तर्गत निश्चित : अधि के अन्दर-अन्दर शुल्क दाखिल

नहीं भुगतान नहीं कर पाता, दर गुजर करने से सम्बन्धित समाहर्ता की शक्तियों के प्रयोग का प्राधिकार प्रदान करता है।

(क) अधीक्षक 6 दिन तक के विलम्ब को दर गुजर करने के सम्बन्ध में।

(ख) सहायक समाहर्ता इसके अतिरिक्त और एक महीने के विलम्ब को दर गुजर करने के सम्बन्ध में।

[केन्द्रीय उत्पाद शुल्क अधिसूचना सं० 1/78]

आर० एन० शुक्ला, समाहर्ता

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, BANGALORE

Bangalore, the 7th January, 1978

CENTRAL EXCISES

S.O. 994.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the officers mentioned below, in this Collectorate, to exercise the powers of the Collector under Rule 173-RK (2) of the Central Excise Rules, 1944 relating to condonation of delay in cases where the assessee fails to discharge the duty liability within the time specified under Rule 173-RD(2).

(a) Superintendent—For condoning delay upto (6) six days.

(b) Assistance Collector—For condoning delay further upto one month.

[Central Excise Notification No. 1/78]

R. N. SHUKLA, Collector

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 5 जनवरी, 1978

(आय-कर)

फा० आ० 995.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अपनी अधिसूचना सं० 2039 [फा० सं० 189/5/77 आई०टी०ए० (1)] तारीख 1-11-1977 में निम्नलिखित संशोधन करता है,—

स्तम्भ 3 के नीचे की अंतिम प्रविष्टि के पश्चात् निम्नलिखित जोड़ा जाएगा ;

25. सम्भल

यह अधिसूचना 9-1-1978 से प्रभावी होगी।

[सं० 2108/फा०सं० 189/5/77-आई टी (ए 1)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 5th January, 1978

(INCOME-TAX)

S.O. 995.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes, hereby makes the following amendments to its Notification No 2039 [F. No. 189/5/77-IT(AI)], dated 1-11-1977.

After the last entry under Col. 3, the following shall be added :—

25. Sambhal.

This notification shall take effect from 9-1-78.

[No. 2108/F. No. 189/5/77-IT(AI)]

वाणिज्य मंत्रालय

आदेश

नई दिल्ली, 8 अप्रैल, 1978

का० आ० 996.—केन्द्रीय सरकार की राय है कि निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के निर्यात व्यापार के विकास के लिये रंगलेप (पेंट) तथा सम्बद्ध उत्पादों से संबंधित भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० आ० 2193, तारीख 2 जुलाई, 1977 में नीचे विनिर्दिष्ट रीति से संशोधन करना आवश्यक तथा समीचीन है:

और केन्द्रीय सरकार ने उस निमित्त प्रस्तावों को जैसा निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1964 के नियम 11 के उप-नियम (2) द्वारा अपेक्षित है, निर्यात निरीक्षण परिषद को भेज दिया है:

अतः अब, केन्द्रीय सरकार उक्त उपनियम के अनुसरण में उक्त प्रस्तावों को उन सभी लोगों की जानकारी के लिये प्रकाशित करती है जिनको उससे प्रभावित होने को संभावना है।

2. सूचना दी जाती है कि उक्त प्रस्तावों के बारे में कोई आपेक्ष या सुझाव देने का हक्क कोई भी व्यक्ति उसे इस आदेश के राजपत्र में प्रकाशन की तारीख से 45 दिन के भीतर निर्यात निरीक्षण परिषद, 'ब्लैड ट्रेड सेन्टर' 14/1-बी एजरा स्ट्रीट (7वीं मंजिल) कलकत्ता-700001 को भेज सकेगा।

प्रस्ताव

(1) उक्त आदेश के उपावन्ध में,

(i) नियम 3 के स्थान पर निम्नलिखित रखा जायेगा, अर्थात्:—

“3. क्वालिटी नियंत्रण तथा निरीक्षण

निर्यात के लिये आश्रित रंगलेप तथा सम्बद्ध उत्पादों का निरीक्षण यह सुनिश्चित करने के विचार से किया जायेगा कि रंगलेप तथा सम्बद्ध उत्पाद,—

(क) या तो तैयार किये हुए उत्पादों के इस प्रयोजन के लिये मान्यताप्राप्त विनिर्देशों के अनुसार निरीक्षण तथा परीक्षण के आधार पर उन्हें लागू मानक विनिर्देशों के अनुरूप है, या,

(ख) यह सुनिश्चित करके उन्हें लागू मानक विनिर्देशों के अनुरूप है कि उत्पाद का विनिर्माण अनुसूची के विनिर्दिष्ट नियंत्रणों के स्तरों के साथ विनिर्माण के विभिन्न प्रक्रमों पर निम्नलिखित नियंत्रणों का प्रयोग करते हुए किया गया है या किया जा रहा है; अर्थात्:—

(i) क्रय की गई कच्ची सामग्री का नियंत्रण—

(क) क्रय विनिर्देश, प्रयोग की जाने वाली कच्ची सामग्री को विशेषताओं को समाविष्ट करते हुए विनिर्माता द्वारा निर्धारित किये जायेंगे,

(ख) स्वीकृत परेक्षण के साथ या तो क्रय विनिर्देशों की अपेक्षाओं की पुष्टि करते हुए प्रदायकर्ता के परीक्षण या निरीक्षण प्रमाणपत्र होंगे, और उस दशा में क्रेता द्वारा, 10 परेक्षणों में कम से कम एक बार, कालिक जाँच-पड़ताल विधिष्ठ प्रदायकर्ता के लिये, पूर्वोक्त परीक्षण या निरीक्षण प्रमाणपत्रों की शुद्धता सत्यापित करने के लिये जाएँगी, या खरीदी गई सामग्री का, या तो कारखाने के भीतर प्रयोगशाला में या किसी बाहरी प्रयोगशाला में या परीक्षणगृह में, नियमित रूप से परीक्षण और निरीक्षण किया जायेगा,

(ग) किये जाने वाले निरीक्षण या परीक्षण के लिये नमूने का लेना अलिखित अन्वेषण पर आधारित होगा,

(घ) परीक्षण या निरीक्षण किये जाने के पश्चात्, स्वीकृत तथा अस्वीकृत किये गये माल के अलग करने में तथा अस्वीकृत माल के निपटान के लिये व्यवस्थित पद्धतियाँ अपनाई जायेंगी,

(ङ) पूर्वोक्त नियंत्रणों के सम्बन्ध में पर्याप्त अभिलेख नियमित तथा व्यवस्थित ढंग से रखे जायेंगे,

(च) (i) डिब्बों की रिसने की (लीक) रोधिता तथा सीबन मजबूती की परख करने के लिये पर्याप्त सुविधायें होनी चाहिये और यदि यह संभव नहीं है तो डिब्बों के प्रत्येक परेक्षण के लिये इस आशय का प्रदायकर्ता से परख प्रमाणपत्र से लिया जाना चाहिये”;

(ii) प्रक्रिया नियंत्रण

(क) कच्ची सामग्री तथा मध्यवर्ती उत्पाद, यदि कोई हों, के विनिर्माण की विभिन्न प्रक्रियाओं के ब्योरे या प्रक्रिया विनिर्देश विनिर्माता द्वारा, मध्यवर्ती उत्पाद तथा कच्ची सामग्री के गुण धर्मों सहित, निर्धारित किये जायेंगे,

(ख) प्रक्रिया विनिर्देशों में अधिकृत प्रक्रिया को नियंत्रित करने के लिये उपस्कर तथा यंत्रों की पर्याप्त सुविधायें होंगी,

(ग) विनिर्माण की प्रक्रिया के दौरान किये गये नियंत्रणों का सत्यापन करने के लिये विनिर्माता द्वारा पर्याप्त अभिलेख रखे जायेंगे;

(iii) उत्पाद नियंत्रण

(क) विनिर्माता के पास अधिनियम की धारा 6 के अधीन मान्यता प्राप्त विनिर्देशों के अनुसार उत्पाद का परीक्षण करने के लिये, या तो अपनी पर्याप्त परख-सुविधायें होनी चाहिये या ऐसी परख सुविधायें उसे उपलब्ध रहनी चाहिये,

(ख) प्रत्येक बैच में से एक प्रतिनिधि नमूना लिया जायेगा। बड़ा नमूना दो बराबर के परख नमूनों में बाँट दिया जायेगा। उत्पाद की अपेक्षाओं के लिये विनिर्माता द्वारा एक ऐसे परख नमूने की परख की जायेगी तथा अन्य नमूनों को इस के विवरणों सहित कम से कम 6 महीनों के लिये सन्दर्भ नमूने के रूप में सुरक्षित रखा जायेगा,

(ग) लिये गये नमूने तथा परख के सम्बन्ध में पर्याप्त अभिलेख नियमित तथा व्यवस्थित ढंग से रखे जायेंगे;

(iv) पैकिंग नियंत्रण—पूर्वोक्त उत्पाद की पैकिंग के लिये अनुसूची में दिये गये नियंत्रणों के समाधान की दृष्टि से पैकिंग विनिर्देश निर्धारित किए जायेंगे और कठोरता से लागू किये जायेंगे”;

(ii) नियम 4 के उप-नियम (4) के अन्त में निम्नलिखित शब्द और प्राकड़े अन्तःस्थापित किये जायेंगे, अर्थात्:—

“परेक्षणवार निरीक्षण की दशा में, संसूचना, पोट लवान की प्रत्याशित तारीख से कम से कम 7 दिन पहले दी जायेगी;”

(iii) नियम 4 के उपनियम 5(क) के स्थान पर निम्नलिखित रखा जायेगा:—

“5(क) उप नियम (2) के अधीन संसूचना और घोषणा प्राप्त होने पर, अधिकरण अपना यह समाधान कर लेने पर कि विनिर्माता के रंगलेप तथा सम्बन्ध यस्तुओं का नियम 3(ख) में उल्लिखित नियंत्रणों के अनुसार विनिर्माण करने के लिये विनिर्माण की प्रक्रिया के दौरान पर्याप्त क्वालिटी नियंत्रण अभ्यासों का प्रयोग किया है, तीन दिन के भीतर, परेक्षण को नियत योग्य घोषित करते हुए प्रमाणपत्र जारी कर देगा।”

(iv) नियम 4 के उप-नियम (7) के बाद निम्न उपनियम जोड़ा जायेगा, अर्थात्:—

“(8) परेक्षणवार निरीक्षण की दशा में, संसूचना प्राप्त होने पर, अधिकरण नियम 3(क) और परिषद द्वारा इस निमित्त समय समय पर जारी किये गये अनुदेशों के अनुसार निरीक्षण करेगा। यदि ऐसे निरीक्षण तथा परख के पश्चात् अधिकरण का समाधान हो जाता है कि निर्यात होने वाले रंगलेप तथा सम्बद्ध उत्पादों का परेक्षण नियम 3(क) की अपेक्षाओं के अनुरूप है तो वह

सूचना प्राप्त के 7 दिन के भीतर परखण की निर्यात योग्य घोषित करते हुए निर्यातकर्ता को प्रमाण पत्र जारी करेगा :

परन्तु जहाँ अभिकरण का ऐसा समाधान नहीं होता है वहाँ वह सात दिन की अवधि के भीतर ऐसा प्रमाणपत्र जारी करने से इन्कार कर देगा तथा निर्यातकर्ता को ऐसे इन्कार की सूचना उसके कारणों सहित देगा।”

(v) नियम 7 के उपनियम (1) में ‘उपनियम 6’ के शब्द, कोष्ठों तथा श्रंखों के पश्चात् निम्नलिखित शब्द, कोष्ठ तथा श्रंख अन्तःस्थापित किये जायेंगे, अर्थात्:—

“और उपनियम (8)”;

(2) उक्त आदेश की अनुसूची में, क्रम सं० 1 और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित जोड़ा जायेगा, अर्थात्:—

“2. पैकिंग के लिये नियंत्रण के स्तर

2.1 पैकेजों तथा डिब्बों के रंगरूप तथा परिसंज्ञा के लिये जांच की जायेगी। अभिवहन के दौरान, डिब्बों की रिसने की रोधिता तथा संभाल को संरक्षा के लिये भी जांच-पड़ताल की जायेगी। पैकेज के भीतर के अन्वहनी डिब्बे इस प्रकार पैक किये जायेंगे कि वे आपस में टकरायें नहीं।

2.2 प्रत्येक डिब्बे पर या उस पर लगे हुए लेबल पर निम्नलिखित सूचना लिखी जायेगी:—

- (क) सामग्री का नाम तथा विवरण,
- (ख) विनिर्माता का नाम तथा व्यापार चिन्ह, यदि कोई हो,
- (ग) डिब्बे में सामग्री की मात्रा,
- (घ) बैच संख्या।”

[सं० 6(16)/76-नि० नि० तथा न० ३०]

सी० बी० कुकरेती, संयुक्त निदेशक

MINISTRY OF COMMERCE ORDER

New Delhi, the 8th April, 1978

S.O. 996.—Whereas, the Central Government is of opinion that in exercise of the powers conferred by Section 6 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), it is necessary and expedient to amend the order of the Government of India in the Ministry of Commerce No. S.O. 2193 dated the 2nd July, 1977 relating to Paints and Allied Products in the manner specified below for the development of export trade of India;

And whereas the Central Government has forwarded the proposals in that behalf to the Export Inspection Council as required by sub rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government, hereby, publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objection or suggestion with respect to the said proposal may forward the same within 45 days from the date of publication of this order in the official Gazette to the Export Inspection Council, World Trade, Centre, 14/1B, Ezra Street, (7th floor), Calcutta-700001.

PROPOSALS

(1) In the Annexure to the said order,

(i) for rule 3, the following shall be substituted, namely:—

“3. Quality Control and Inspection

The inspection of Paints and Allied products intended for export shall be carried out with a view to ensure that paints and allied products conform to the standard specifications applicable to them, either,—

(a) on the basis of inspection and testing of finished products as per specifications recognised for this purpose, or,

(b) by ensuring that the products have been or are being manufactured by exercising the following controls at different stages of manufacture together with the levels of controls as specified in the Schedule, namely :—

(i) Purchase raw material control—

(a) purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used,

(b) The accepted consignments shall be either accompanied by supplier's test or inspection certificate corroborating the requirements of the purchase specifications in which case occasional checks at least once in ten consignments shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificates or the purchased materials shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house,

(c) The samples for inspection or tests to be carried out shall be based on a recorded investigation.

(d) After the inspection for test is carried out systematic methods shall be adopted in segregating the accepted and rejected materials for disposal of rejected materials,

(e) Adequate records in respect of the aforesaid controls shall be regularly and systematically maintained,

(f) (i) Facilities for testing of leak-proofness and same strength of the containers should be available and if this is not possible, a test certificate should be obtained for each consignment of the containers to that effect from the suppliers.”;

(ii) Process control—

(a) Details or process specifications for different processes of manufacture or raw materials and intermediate products, if any, shall be laid down by the manufacturer along with the properties of raw materials and intermediate products,

(b) Equipment instrumentation and facilities shall be adequate to control the process as laid down in the process specifications,

(c) Adequate records shall be maintained by the manufacturer to enable verification of the controls exercised during the process of manufacture;

(iii) Product control—

(a) The manufacturer shall either have his own adequate testing facilities or shall have access to such testing facilities to test the product as per the specifications recognised under section 6 of the Act,

(b) A representative sample shall be drawn from each batch. The bulk sample shall be divided into two equal test samples. One such test sample shall be tested by the manufacturer for the requirements of the products and the other preserved as referee sample along with its particulars for at least six months,

(c) Adequate records in respect of sampling and test carried out shall be regularly and systematically maintained;

(iv) Packing control—A packing specification shall be laid down with a view to satisfying the controls mentioned in the Schedule for packing the aforesaid product and shall be rigidly implemented”;

- (ii) in sub-rule (4) of rule 4 the following words and figure shall be inserted at the end; namely:—

"In case of consignmentwise inspection, the intimation shall be given not less than 7 days prior to the expected date of shipment;"

- (iii) for sub-rule (5)(a) of rule 4, the following shall be substituted namely,—

"(5)(a) On receipt of the intimation and declaration under sub-rule (2), the agency on satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality control drills to manufacture the Paints and Allied products according to the controls mentioned in rule 3(b), shall within 3 days, issue a certificate declaring the consignment as export-worthy."

- (iv) after sub-rule (7) of rule 4 the following sub-rule shall be inserted namely,—

"(8) In case of consignment-wise inspection, on receipt of the intimation the agency shall carry out the inspection in accordance with rule 3(a) and the instructions issued by the Council, from time to time in this behalf. If, after such inspection and testing, the agency is satisfied that the consignment of paints and allied products to be exported complies with the requirements of the rule 3(a), it shall, within 7 days of the receipt of intimation, issue a certificate to the exporter declaring the consignment as export-worthy;

Provided that where the agency is not so satisfied, it shall, within the period of 7 days, refuse to issue such certificate and communicate such refusal to the exporter with the reasons therefor."

- (v) in sub-rule (1) of rule 7, after the word brackets and figure sub-rule (6), the following words, brackets and figure shall be inserted, namely,—

"and sub-rule (8)";

(2) In the Schedule to the said order, after serial no. 1 and the entries relating thereto, the following shall be added, namely:—

"2. Levels of control for packing

2.1. The packages and containers shall be checked for finish and appearance. The containers shall also be checked for leak-proofness, and protection against handling during transit. The inner containers within the package shall be so packed to avoid collision amongst them.

2.2. The following information shall be given on each container or the label applied to it:—

- Name and description of the material,
- Manufacturer's name and trade mark, if any,
- Quantity of the material in the container,
- Batch number."

[No. 6(16)/76-EI&EP]

C. B. KUKRETI, Jt. Director

संयुक्त मुख्य निर्यातक, आयात निर्यात का कार्यालय, कलकत्ता

कलकत्ता, 18 जनवरी, 1978

आदेश

का० आ० 997.—अप्रैल-मार्च, 1977 लाइसेंस अधि के लिये सर्वश्री एल० सी० सेठ एण्ड कम्पनी प्राइवेट लि०, 43-धर्मतला स्ट्रीट, कलकत्ता-13 को निम्नलिखित आयात लाइसेंस प्रदान किया गया है:—

लाइसेंस संख्या एवं दिनांक	माल का विवरण	मूल्य
पी०/ई०/0264779/सी/मी/	स्टूडियो इलेक्ट्रिक और प्रोजेक्टर	रुपय 1500
एक्स एक्स/60/सी/43-44	बल्ब जिनमें हेलाजन लेम्प-38 ए	
दिनांक:— 9-8-76	(मी)/II भी शामिल है।	

पार्टी ने यह बताते हुए, मुद्रा विनियम नियंत्रण प्रति का अनुलिपि प्रति के लिये आवेदन किया है कि लाइसेंस किसी भी सीमा शुल्क प्राधिकारी के पास पंजीकृत कराय बिना और बिल्कुल उपयोग में लाए बिना हो अस्थानस्थ हो गया है।

इस तर्क के समर्थन में पार्टी ने महानगरीय मजिस्ट्रेट, छाठा कोर्ट, कलकत्ता द्वारा विधिवत प्रमाणित स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है।

मैं सन्तुष्ट हूँ कि आयात लाइसेंस सं० पी/ई/0264779/सी/एक्स एक्स/60/सी/43-44, दिनांक 9-8-76 की मुद्रा विनियम नियंत्रण प्रति बिना रद्द किये, धरोहर रखें, हस्तांतरण किये अथवा किसी अन्य पार्टी के किसी भी उद्देश्य के लिये सीपे बिना ही अधीनस्थ हो गई है तथा निवेश देता हूँ कि आवेदक को उसी आयात व्यापार नियंत्रण के सं० 38 ए(सी) के अन्तर्गत हेलाजन लेम्पस के साथ स्टूडियो इलेक्ट्रिक एण्ड प्रोजेक्टर बल्बस के लिये 1500/- रुपये के मूल्य का उक्त लाइसेंस का मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रति जारी की जाय।

[सं० ई० आई०/22643/3/ए० एम०-77/डी०-7345]

पी० के० मुखर्जी, उप-मुख्य निर्यातक
रुक्ते संयुक्त मुख्य निर्यातक

Office of the Jt. Chief Controller of Imports & Exports,
Calcutta

Calcutta, the 18th January, 1978

ORDER

S.O. 997.—M/s. L.C. Sett & Co. Pvt. Ltd., 43, Dharamtala Street, Calcutta-13 was granted import licence for the licensing Period April-March, 1977 as under:—

Licence No. & Date	Description of goods	Value
P/E/0264729/C/XX/60/C/43-44 dt. 9-8-76.	Studio Electric and Projector bulbs including halogen lamps-38A(C)/II.	Rs. 1500

The party has applied for Duplicate Exchange Control purpose Copy of the above licence stating that the same has been misplaced without having been registered with any Customs authority and utilised at all.

In support of this contention the firm have filed an affidavit on Stamp paper duly attested by the Metropolitan Magistrate, 6th Court, Calcutta.

I am satisfied that the Exchange Control copy of the Import Licence No. P/E/0264779/C/XX/60/C/43-44 dated 9-8-1976 has been misplaced without having been cancelled, pledged, transferred or handed over to any other party for any purpose and direct to issue duplicate Exchange Control Purpose copy of the aforesaid licence to the applicant for the value of Rs. 1500 for Studio Electric & Projector bulbs including halogen lamps, under same I.T.C. Sl. No. 38A(C)/II.

[No. EI/22643/3/AM-77/D-7345]

P. K. MUKHERJEE, Dy. Chief Controller
for Jt. Chief Controller

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 27 मार्च, 1978

का० आ० 998.—केन्द्रीय सरकार, पेटेंट अधिनियम, 1970 (1970 का 39) की धारा 152 द्वारा प्रदान शक्तियों का प्रयोग करते हुए, भारत

[illegible]

ग्राम बारवानी में अर्जित की जाने वाली प्लॉट संख्याएं :— 1(पी), 2 से 35 तक, 36 (पी), 37 (पी), 38, 39 (पी), 45 (पी), 48 (पी), 49 (पी) और 50 से 53 तक।

पंथ-सागर में अर्जित की जाने वाली प्लॉट संख्याएं :— पंथ-सागर में ख्रवण-क्षेत्र का भाग।

चंदूवार ग्राम में अर्जित की जाने वाली प्लॉट संख्याएं :— 1 (पी), 2, 3 (पी), 4 से 6 तक, 7 (पी), 8 से 77 तक।

धरसारी ग्राम में अर्जित की जाने वाली प्लॉट संख्याएं :— 9 (पी), 10 (पी), 12 (पी), 70 (पी), 71 (पी), 72, 73(पी), 74 से 83 तक, 84 (पी), 87 (पी), 88 (पी) और 89 से 153 तक।

सीमा वर्णन

- क-ख रेखा ग्राम बारवानी में प्लॉट सं० 1, 36, 37, 39, 49, 45 और 48 से होकर जाती है जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित जोगी-चौड़ा ब्लॉक एक्स्टेंशन के उप-ब्लॉक—'बी' की भागत: सामान्य सीमा भी है।
- ख-ग रेखा पंथ सागर में ख्रवण-क्षेत्र से होकर जाती है जो कोयला अधिनियम के 9(1) के अधीन अर्जित जोगी-चौड़ा ब्लॉक एक्स्टेंशन के उप-ब्लॉक 'बी' की भागत: सामान्य सीमा भी है।
- ग-घ रेखा ग्राम चंदूवार में प्लॉट सं० 1 और 3 से, ग्राम धरसारी में प्लॉट सं० 9 से, ग्राम चंदूवार में प्लॉट सं० 7 से, और इसके पश्चात् ग्राम धरसारी में प्लॉट सं० 10 और 12 से होकर जाती है जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित जोगी-चौड़ा ब्लॉक की भागत: सामान्य सीमा भी है।
- घ-ङ रेखा ग्राम धरसारी में प्लॉट सं० 88, 87, 84, 73, 70 और 71 और से होकर जाती है जो कोयला अधिनियम की धारा 9(1) के अधीन अर्जित जोगी चौड़ा ब्लॉक की भागत: सामान्य सीमा भी है।
- ङ-च रेखा ग्राम धरसारी की भागत: दक्षिणी सीमा के, जो ग्राम धरसारी और कोहलारोलिया की भागत: सामान्य सीमा भी है, साथ-साथ जाती है।
- च-छ रेखा ग्राम धरसारी को पूर्वी सीमा के साथ-साथ जाती है।
- छ-ज रेखा चंदूवार की पूर्वी सीमा के साथ-साथ जाती है।
- ज-झ रेखा पंथ-सागर के भागत: ख्रवण क्षेत्र से होकर जाती है।
- झ-ञ रेखा ग्राम बारवानी की पूर्वी सीमा के साथ-साथ जाती है।
- ञ-क रेखा ग्राम बारवानी की भागत: उत्तरी सीमा के, जो ग्राम बारवानी और जामशीला की भागत: सामान्य सीमा भी है, साथ-साथ जाती है और प्रारंभिक बिन्दु 'क' पर मिलती है।

[सं० 19(9)/77-सी० एल०]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 27th March, 1978

S.O. 999.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 1314 dated the 21st April, 1977, under sub section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in 210.00 acres (approximately) or 84.98 hectares (approximately) of the lands in the locality specified in the schedule annexed to that notification.

And whereas the Central Government is satisfied that coal is obtainable in the said lands;

Now, therefore, in exercise of the powers conferred by sub section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives and notice of its intention to acquire the lands measuring 210.00 acres (approximately) or 84.98 hectares (approximately) described in the schedule appended hereto.

2. The plans of the area covered by this notification may be inspected in the office of the Collector, Mirzapur, Uttar Pradesh or at the office of the Coal Controller, 1, Council House Street, Calcutta or at the office of the Central Coalfields Limited (Revenue-Section) Darbhanga House, Ranchi, Bihar.

3. The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent Authority under the Act.

SCHEDULE

Bina Block Extn. II,
Singrauli Coalfields,
Distt. Mirzapur (UP).

Drg. No. Rev/32/77
Dated 23-6-1977
(Showing lands to be acquired.)

All Rights

S. No. village	Name of village	Tahsil	Pargana	Pargana Number	Thana	Distt.	Area	Remarks
1	2	3	4	5	6	7	8	9
1.	Barwani	Dudhi	Singrauli	—	Misra (Khirwa)	Mirzapur		Part
2.	Panth Sagar	do	-do-	—	-do-	-do-		-do-
3.	Chanduwar	-do-	-do-	—	-do-	-do-		-do-
4.	Dharsari	-do-	-do-	—	-do-	-do-		-do-

Total Area :— 210.00 acres (Approx.)

or 84.98 hectares (approx.)

Plot numbers to be acquired in village Barwani:—1(P), 2 to 35, 36(P) 37(P), 38, 39(P), 45(P), 48(P), 49(P) and 50 to 53.

Plot numbers to be acquired in Panth-Sagar:—Part of catchment area of Panth-Sagar.

Plot numbers to be acquired in village Chanduwar:—1(P), 2, 3(P), 4 to 6, 7(P), 8 to 77.

Plot numbers to be acquired in village Dharsari:—9(P), 10(P), 12(P), 70(P), 71(P), 72, 73(P), 74 to 83, 84(P), 87(P), 88(P) and 89 to 153.

Boundary description:

- A—B Line passes through plot numbers 1, 36, 37, 39, 49, 45 and 48 of village Barwani which is also part common boundary of sub-block 'B' of Jogi-Chowra Block Extn. acquired u/s 9(1) of the Coal Act.
- B—C line passes through catchment area of Panth Sagar which is also part common boundary of sub-block 'B' of Jogi Chowra Block Extn. acquired u/s 9(1) of the Coal Act.
- C—D line passes through plot numbers 1 and 3 of village Chanduwar, through plot number 9 of village Dharsari, through plot number 7 of village Chanduwar, then through plot numbers 10 and 12 of village Dharsari (which is also part common boundary of Jogi-Chowra Block acquired u/s 9(1) of the Coal Act).
- D—E line passes through plot numbers 88, 87, 84, 73, 70 and 71 of village Dharsari which is also part common boundary of Jogi-chowra Block acquired u/s 9(1) of the Coal Act.
- E—F line passes along part southern boundary of village Dharsari (which is also part common boundary of villages Dharsari and (Koharoulia).
- F—G line passes along Eastern boundary of village Dharsari.
- G—H line passes along Eastetrn boundary of village Chanduwar.
- H—I line passes through part catchment area of panth-Sagar.
- I—J line passes along eastern boundary of village Barwani.
- J—A line passes along part northern boundary of village Barwani which is also part common boundary of villages, Barwani and Jamshila and meeting at starting point 'A'.

[No. 19(9)/77-CL]

का० आ० 1000.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में कोयला अभिप्राप्त होने की संभावना है ;

अतः, अब, केन्द्रीय सरकार, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) के कार्यालय, दरभंगा, हाउस, राँची में, या उपायुक्त के कार्यालय, गिरिडीह (बिहार) में, या कोयला नियंत्रक के कार्यालय, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में हितबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शे, चार्ट और अन्य दस्तावेजों, इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर, राजस्व अधिकारी, सेन्ट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची को देंगे ।

अनुसूची

बोकारो कोलियरी बिस्तार

[पूर्वी बोकारो कोयले वाला क्षेत्र (बी एण्ड को)]

डाइग सं० रजास्व/57/77

तारीख 29-2-1977

(जिसमें पूर्वेक्षण के लिए अधिसूचित भूमि वर्धित की गई है)

क्रम सं०	ग्राम	धाना	धाना सं०	जिला	क्षेत्रफल	टिप्पणियां
1.	कुर्पनिया	बर्मों	17	गिरिडीह		भाग
2.	बर्मों	यथोक्त	18	यथोक्त		यथोक्त
कुल क्षेत्रफल :— 190.00 एकड़ (लगभग)						
या 76.88 हेक्टेयर (लगभग)						

उपखण्ड—I का सीमा वर्णन :

- ए-बी लाइन ग्राम कुर्पनिया और बर्मों से, कोयला अधिनियम की धारा 9 के अधीन प्रजित नव करो-खण्ड की भागत: सामान्य पूर्वी सीमा भी है, होकर जाती है।
- बी-सी लाइन ग्राम बर्मों से (जो बोकारो कोयला खान की भागत: सामान्य उत्तरी सीमा भी है) होकर जाती है।
- सी-डी लाइन ग्राम बर्मों से होकर जाती है।
- डी-ए लाइन ग्राम बर्मों और कुर्पनिया से होकर जाती है और प्रारम्भिक बिन्दु "ए" पर मिलती है।

उपखण्ड II

1	2	3	4	5	6	7
1.	बर्मों	बर्मों	18	गिरिडीह	--	भाग
कुल क्षेत्रफल :— 20.00 एकड़ (लगभग)						
या 8.09 हेक्टेयर (लगभग)						

उपखण्ड I का सीमा वर्णन :

- ई-एफ लाइन ग्राम बर्मों से होकर जाती है।
- एफ-जी लाइन ग्राम बर्मों से कुनर नदी के भागत: बाएं तट के साथ-साथ जाती है।
- जी-एच लाइन ग्राम बर्मों से होकर जाती है।
- एच-ई लाइन ग्राम बर्मों में रेल की भागत: दक्षिणी सीमा के साथ-साथ जाती है और प्रारम्भिक बिन्दु "ई" पर मिलती नहीं है।

[सं० 19(75)/77-सी० एल०]

S.O. 1000.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands in the locality mentioned in the Schedule hereto annexed,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi, or at the Office of the Deputy Commissioner, Giridih (Bihar), or at the Office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi, within 90 days from the date publication of this notification.

SCHEDULE

Bokaro Colliery Ext.

[East Bokaro Coalfield (B&K)]

Drg. No. Rev/57/77

Dated 29-9-1977

(Showing lands notified for prospecting)

Sl. No.	Village	P.S.	Thana No.	District	Area	Remarks
1	2	3	4	5	6	7
1.	Kurpania	Bermo	17	Giridih		Part
2.	Bermo	-do-	18	-do-		-do-
Total area :—190.00 acres (approx.)						
or 76.00 hec. (approx.)						

Boundary description of Sub-Block-I:—

- A—B line passes through Villages Kurpania and Bermo, Which is also part common eastern boundry of Vew Karo Block acquired u/s 9 of the Coal Act.
- B—C line passes through village Bermo which is also part common northern boundary of Bokaro Colliery.
- C—D line passes through village Bermo.
- D—A line passes through villages Bermo and Kurpania and meets at starting point 'A'.

Sub-Block-II:—

1	2	3	4	5	6	7
1.	Bermo	Bermo	18	Giridih		Part
Total area :—20.00 acres (approx.)						
or 8.09 hec. (approx.)						

Boundary description of Sub-Block-I:—

- E—F line passes through village Bermo.
- F—G line passes along the part left bank of Kunar River in village Bermo.
- G—H line passes through village Bermo.
- H—E line passes along the part southern boundary of the railway in village Bermo and meets at starting point 'E'.

[File No. 19(75)/77-CL]

का०आ० 1001.—केन्द्रीय सरकार को यह प्रतीत होता है कि हमसे उपायद्व अनुसूची में उल्लिखित परिक्षेत्र में की भूमि से कोयला अभिप्राप्त होने की सम्भावना है ;

अतः, अब, केन्द्रीय सरकार, कोयला वाले क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रयत्न शक्तियों का प्रयोग करते हुए, उक्त भूमि से कोयले के लिए पूर्वोक्त करने के अपने आशय की सूचना देती है ।

इस अधिसूचना के अन्तर्गत आए क्षेत्र के रेखांक का निरीक्षण सेन्ट्रल कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) के कार्यालय, दरभंगा हाउस, राँची में या उपायुक्त के कार्यालय, हजारी बाग (बिहार) में या कोयला निर्यात के कार्यालय, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आई भूमि में हितबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी तकशे चार्ट और अन्य दस्तावेज, इस अधिसूचना के प्रकाशन की तारीख से 90 दिन के भीतर, राजस्व अधिकारी, सेन्ट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, राँची को देगे ।

अनुसूची
पिपरीर ब्लाक
[उत्तर करतपुरा कोयला क्षेत्र]

इस सं० राजस्व/45/77

तारीख 24-8-77

(जिसमें पूर्वोक्त के लिए
अधिसूचित भूमि दर्शित की गई है)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्रफल	टिप्पणियाँ
1	2	2	4	5	6	7
1.	किप्टी	बड़कागाँव	78/235	हजारीबाग		भाग
2.	पिपरीर या मंरडाहा	-यथोक्त-	80/237	यथोक्त		-यथोक्त-

1	2	3	4	5	6	7
3	बिजेन	बड़कागाँव	83/240	हजारीबाग		भाग
4	कुत्की	-यथोक्त-	95/252	यथोक्त		-यथोक्त-
5	बेंटी	-यथोक्त-	97/254	यथोक्त		-यथोक्त-
कुल क्षेत्रफल .—3500.00 एकड़ (लगभग)						
या 1416.38 हेक्टेयर (लगभग)						

सीमा वर्णन

- ए-बी लाइन ग्राम कुत्की और बेंटी से होकर जाती है ।
बी-सी लाइन दमोदर या देवनद नदी की (जो हजारीबाग और राँची की प्रांशिक जिला सीमा भी है) प्रांशिक केन्द्रीय लाइन के साथ-साथ जाती है ।
सी-डी लाइन हजारीबाग जिला में दमोदर या देवनद नदी की प्रांशिक केन्द्रीय लाइन के साथ-साथ जाती है ।
डी-ई लाइन ग्राम किच्छो, पिपारवार या मंगरडहा और बिजेन से होकर जाती है ।
ई-ए लाइन ग्राम बिजेन और बेंटी से होकर जाती है और प्रारम्भिक बिन्दु "ए" पर मिलती है ।

[सं० 19 (68)/77-सी०एल०]

एस० आर० ए० रिजवी, निदेशक

S.O. 1001.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, Therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Baring Areas (Acquisition and Development) Act, 1957, (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification can be inspected at the Office of the Central Coalfields Limited (Revenue Section Darbhanga House, Ranchi or in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Central Coalfields Limited, Darbhanga House, Ranchi within 90 days from the date of the publication of this notification.

SCHEDULE
Piparwar Plock
(North Karanpura Coalfield)

Drg. No. Rev/45/77

Dated 24-8-77

(Showing land notified for prospecting)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1	2	3	4	5	6	7
1.	Kichto	Barkagaon	78/235	Hazaribagh		Part
2.	Piparwar or Mangardaha	-do-	80/237	-do-		-do-
3.	Bijain	-do-	83/240	-do-		-do-
4.	Kutki	-do-	95/252	-do-		-do-
5.	Benti	-do-	97/254	-do-		-do-
Total area: -3500.00 acres (approx.)						
or 1416.38 hec. (approx.)						

Boundary description:—

- A—B line passes through villages Kutki and Benti.
B—C line passes along the part central line of River Damodar or Deonod (which is also the part district boundary of Hazaribagh and Ranchi).
C—D line passes along the part central line of River Damodar or Deonod in the district of Hazaribagh.
D—E line passes through villages Kichto, Piparwar or Mangardaha and Bijain.
E—A line passes through villages Bijain and Benti and meets at starting point 'A'.

[File No. 19(68)/77-CL
S. R. A. RIZVI, Director

(विद्युत् विभाग)

नई दिल्ली, 27 मार्च, 1978

का० भा० 1002.—केन्द्रीय सरकार, पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31), की धारा 80 की उपधारा (5) के अन्तर्गण में, व्याम परियोजना के संघटक, अर्थात् 220 के० वी० मिंगल सर्किट पानीपत-दादरी लाईन को, जिस के सम्बन्ध में सन्निर्माण पूरा हो गया है, उक्त अधिनियम की धारा 80 की उपधारा (6) के साथ पठित धारा 79 के अधीन गठित भाखड़ा व्याम प्रबन्ध बोर्ड को सुरक्षित अन्तर्गत करती है।

[का० सं० 21/14/76-बी० एण्ड वी० भाग-II/डीIII]

पी० एम० बेलिअप्पा, संयुक्त सचिव,

(Department of Power)

New Delhi, the 27th March, 1978

S.O. 1002.—In pursuance of sub-section (5) of section 80 of the Punjab Re-organisation Act, 1966 (31 of 1966), the Central Government hereby transfers with immediate effect the component of the Beas Project, namely 220 KV Single Circuit Panipat—Dadri line, in relation to which the construction has been completed, to the Bhakra Beas Management Board constituted under section 79, read with sub-section (6) of section 80, of the said Act.

[F. No. 21/14/76-B&B/Vol. II/D.III]

P. M. BELLIPPA, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 23 मार्च, 1978

का० भा० 1003.—यतः केन्द्रीय सरकार ने भारतीय चिकित्सा परिषद्, अधिनियम, 1956 (1956 का 102) की धारा 20 की उपधारा (3) के साथ पठित उपखण्ड (1) के अनुसरण में डा० पी० पी० गोयल जो सरकारी नौकरी से सेवा निवृत्त हो गए हैं, के स्थान पर डा० बी० शंकरन, स्वास्थ्य सेवा महानिदेशक, नई दिल्ली को 4 जनवरी, 1978 से रत्नाकोसर चिकित्सा शिक्षा समिति का सदस्य मनोनीत किया है।

अतः अब उक्त अधिनियम की धारा 20 की उपधारा (3) के साथ पठित उपखण्ड (1) का अनुसरण करते हुए केन्द्रीय सरकार एतद्द्वारा भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय की 22 मई, 1975 की अधिसूचना मध्या बी 11019/1/75-एम पी टी में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना में “केन्द्रीय सरकार द्वारा मनोनीत” शीर्ष के अन्तर्गत क्रम संख्या 2 और उससे सम्बन्धित वर्तमान प्रविष्टि के स्थान पर निम्नलिखित क्रमसंख्या और प्रविष्टि रख ली जाए,

अर्थात्—

“2 डा० पी० शंकरन,

स्वास्थ्य सेवा महानिदेशक, नई दिल्ली”।

[संख्या बी० 11019/1/78-एम०पी०टी०]

आर० बी० श्रीनिवासन, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 23rd March, 1978

S.O. 1003.—Whereas the Central Government has, in pursuance of sub-section (1) read with sub-section (3) of section 20 of the Indian Medical Council Act, 1956 (102 of

1956), nominated Dr. B. Sankaran, Director General of Health Services, New Delhi, to be a member of the post graduate Medical Education Committee vice Dr. P. P. Goel who has since retired from the Government service, with effect from the 4th January, 1978;

Now, therefore, in pursuance of sub-section (1) read with sub-section (3) of section 20 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health and Family Planning No. V. 11019/1/75-MPT. dated the 22nd May, 1975, namely :—

In the said notification, under the heading “Nominated by the Central Government”, for serial No. 2 and the existing entry relating thereto, the following serial No. and entry shall be substituted, namely :—

“2. Dr. B. Sankaran,
Director General of Health Services;
New Delhi.”

[No. V. 11019/1/78-ME(P)]

R. V. SRINIVASAN, Dy. Secy.

कृषि और सिंचाई मंत्रालय

(कृषि विभाग)

नई दिल्ली, 23 मार्च, 1978

का० भा० 1004.—रीज अधिनियम, 1966 (1966 का 51) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार केन्द्रीय बीज समिति में परामर्श के पश्चात् यह राय देने पर कि कृषि के प्रयोजन हेतु बचे जाने वाले निम्नलिखित तालिका के कालम (2) में सदनरूपी प्रविष्टि में निविष्ट बीजों की किस्म के संबंध में कालम (1) में निविष्ट बीजों की किस्मों की ब्यालिटी को नियमित करना आवश्यक तथा समीचीन है, एतद्द्वारा उक्त तालिका के कालम (3) की सदनरूपी प्रविष्टि में निविष्ट क्षेत्रों के संबंध में उक्त अधिनियम के प्रयोजन हेतु उक्त किस्मों को अधिसूचित किस्मों घोषित करती है, अर्थात्—

तालिका

बीजों के प्रकार	बीजों की किस्में	राज्य/संघ राज्य क्षेत्र जिनके लिए इन्हें अधिसूचित किया गया है
1	2	3
बैंगन	पंजाब, हरियाणा ब्रिजल-4	पंजाब, हरियाणा, उत्तर प्रदेश, दिल्ली, राजस्थान, और गुजरात।
	जामुनी गोल बैंगन	हरियाणा, पंजाब, उत्तर प्रदेश, आन्ध्र प्रदेश, कर्नाटक तमिल-नाडु,
	पूसा पर्पल क्लस्टर	महाराष्ट्र, मध्य प्रदेश और हिमाचल प्रदेश।
फूलगोभी	अली कुमारी	हिमाचल प्रदेश, हरियाणा, पंजाब और दिल्ली।
	पूसा दीपासी	दिल्ली और पंजाब
	पूसा स्नोबाल-1	पूरे देश में
	पूसा स्नोबाल-2	पूरे देश में
लाल मिर्च	आध्र ज्योति	पूरे देश में
कपास	संकर-4	तमिलनाडु और उत्तरी भारत को छोड़कर पूरे देश में
	सूजव	—गंदेव—

TABLE

1	2	3	TABLE			
	सूचित	प्रदेश, कर्नाटक और महाराष्ट्र	Kinds of Seed	Varieties of Seed	States/Union Territories for which notified	
			1	2	3	
लोबिया	पुसा-152	आन्ध्र प्रदेश, कर्नाटक और केरल	Brunjal	Punjab Haryana Brinjal-4.	Punjab, Haryana, Uttar Pradesh, Delhi, Rajasthan and Gujarat.	
मटर	यकॉल	पूरे देश में		Jamuni Gole Bengan.	Haryana, Punjab and Uttar Pradesh.	
चना	एल-550	पूरे देश में		Pusa Purple Cluster.	Andhra Pradesh, Karnataka, Tamil Nadu, Maharashtra, Madhya Pradesh and Himachal Pradesh	
गुगफला	एम-13	पश्चिम बंगाल, उत्तर प्रदेश असम, उड़ीसा और बिहार ।	Cauliflower.	Early Kumari	Himachal Pradesh, Haryana, Punjab and Delhi.	
पटसन	नर्वान	भारतीय प्राय द्वीपों को छोड़कर पूरे देश में		Pusa Deepali.	Delhi and Punjab.	
मूंग	एम एल-5	पंजाब, हरियाणा, उत्तर प्रदेश, राजस्थान और हिमाचल प्रदेश		Pusa Snowball-1.	Throughout the country.	
खरबूजा	हरा मधु	दिल्ली, पंजाब और राजस्थान ।	Chillies	Pusa Snowball-2	Throughout the country.	
धान	अकाशी	उत्तर प्रदेश, मध्य प्रदेश, बिहार, उड़ीसा, पश्चिम बंगाल और कर्नाटक		Andhra Jyoti	Throughout the country.	
	राजी	आंध्र प्रदेश, महाराष्ट्र, मध्य प्रदेश, तमिलनाडु, उत्तर प्रदेश और उड़ीसा का कोरापुट जिला ।		Sankar-4.	Throughout the country except Tamil Nadu and Northern India.	
चरी	सी एस एच-6	पूरे देश में	Cotton	Sujav.	-do-	
	सा एस एच-7 आर	महाराष्ट्र, कर्नाटक और आंध्र प्रदेश ।		Suvin	Tamil Nadu, Andhra Pradesh, Karnataka and Maharashtra.	
	सी एस एच-8 आर	महाराष्ट्र, कर्नाटक और आंध्र प्रदेश ।		Pusa-152.	Andhra Pradesh, Karnataka and Kerala.	
सूडान घास	मंडी सूडान	पूरे देश में	Garden Pea.	Arkel	Throughout the country.	
टमाटर	एच एम-101	हरियाणा, उत्तर प्रदेश, कर्नाटक, गुजरात और तमिलनाडु		Jawahar Matar-1.	Throughout the country.	
	एम-12	पूरे देश में		L-550.	Throughout the country.	
तरबूज	भगर बेबी	पूरे देश में	Gram	M-13.	Throughout the country.	
गेहूँ	यूपी-262	बिहार, पश्चिम बंगाल और असम		Navin.	West Bengal, Uttar Pradesh, Assam, Orissa and Bihar.	
				ML-5.	Throughout the country except peninsular India.	
			Muskmelon.	Hara Madhu.	Punjab, Haryana, Uttar Pradesh, Rajasthan and Himachal Pradesh.	
				Pusa Sharbati.	Delhi, Punjab and Rajasthan.	
			Paddy	Akashi.	Uttar Pradesh, Madhya Pradesh, Bihar, Orissa, West Bengal and Karnataka.	
				Ravi.	Andhra Pradesh, Maharashtra, Madhya Pradesh, Tamil Nadu, Uttar Pradesh and Koraput district of Orissa.	

यह अधिसूचना तुरन्त लागू होगी ।

[म० 7-36/75-एस०डी०]

सुनील ब्राह्मण, उप सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Agriculture)

New Delhi, the 23rd March, 1978

S.O. 1004.—In exercise of the powers conferred by section 5 of the Seeds Act, 1966 (54 of 1966) the Central Government, after consultation with the Central Seed Committee, being of opinion that it is necessary and expedient to regulate the quality of the kinds of seeds specified in the column (1), in respect of the varieties thereof specified in the corresponding entry in column (2), of the Table below, to be sold for the purpose of agriculture, hereby declares the said varieties to be notified varieties for the purposes of said Act in respect of the areas specified in the corresponding entry in column (3), of the said Table, namely:

1	2	3	1	2	3
Sorghum	CSH-6.	Throughout the country.		S-12.	Throughout the country.
	CSH-7 R.	Maharashtra, Karnataka and Andhra Pradesh.	Watermelon	Sugar Baby.	Throughout the Country.
	CSH-8 R.	-do-	Wheat	UP-62.	Bihar, West Bengal and Assam.
Sudangrass	Meethi Sudan.	Throughout the country.	This notification shall come into force with immediate effect.		
Tomato	HS-101.	Haryana, Uttar Pradesh, Karnataka, Gujarat and Tamil Nadu.	[No. 7-30/75-SD]		
			SUNIL AHUJA, Dy. Secy.		

क्रा० आ० 1005.—पशु-कुरता निवारण अधिनियम, 1960 की धारा 5, उप-धारा (1) के उपबंधों के अंतर्गत केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को प्रत्येक के नाम के सामने दिखाई गई तारीख से तीन वर्ष की अवधि के लिए पशु कल्याण बोर्ड का सदस्य नामित करती है :—

सदस्य	तारीख	श्रेणी
1. न्यायमूर्ति कृष्ण अय्यर	23-11-77	धारा 5(1) (ज) केन्द्रीय सरकार के नामित व्यक्ति
2. श्री कल्याण जैन, संसद सदस्य (लोक सभा)	20-12-77	धारा 5(1) (झ) संसद सदस्य
3. श्री बिजय मधोक, संसद सदस्य (लोक सभा)	यथोक्त	
4. श्रीमती पार्वती देवी, संसद सदस्या (लोक सभा)	यथोक्त	
5. श्री रामधारी शास्त्री, संसद सदस्य (लोक सभा)	यथोक्त	
6. श्री भार० के० पोद्दार, संसद सदस्य [राज्य सभा]	23-12-77	

[सं० 14-4/78-एल० डी० I]

भार० एस० सूद, प्रवर सचिव

S.O. 1005.—Under provisions of Sub-Section (1) of Section 5 of the Prevention of Cruelty to Animals Act, 1960, the Central Government hereby nominate the following persons to be members of the Animal Welfare Board for a period of three years from the dates mentioned against each:—

Member	Date	Category
1. Shri Justice Krishna Iyer	23-11-77	Sec. 5(1) (h) Nominee of Central Govt.
2. Shri Kalyan Jain M.P. (Lok Sabha)	20-12-77	Sec. 5 (1) (i) Member of Parliament
3. Shri Bijoy Modak M.P. (Lok Sabha)	do-	do-
4. Smt. Parvati Devi M.P. (Lok Sabha)	do-	do-
5. Shri Ram Dhari Shastri M.P. (Lok Sabha)	do-	do-
6. Shri R.K. Poddar M.P. (Rajya Sabha)	23-12-77	do-

[No. 14-4/78-LD-I]

R. S. SOOD, Under Secy.

संचार मंत्रालय

(डाक-तार बोर्ड)

नई दिल्ली, 22 मार्च, 1978

का०आ० 1006.—केन्द्रीय सिविल सेवा (वर्गीकरण नियंत्रण और अपील) नियम, 1965 के नियम 9 के उप-नियम (2), नियम 12 के उप-नियम (2) के खण्ड (ख) और नियम 24 के उप-नियम (1) तथा नियम 34 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति, भारत सरकार, संचार मंत्रालय, (डाक-तार बोर्ड) की अधिसूचना सं० एस०आर० पी० दिनांक 28 फरवरी, 1957 में एतद्वारा भागे और संशोधन करते हैं, अर्थात्:—

उपरोक्त अधिसूचना की अनुसूची में:—

(1) भाग II में—सामान्य केन्द्रीय सेवा, श्रेणी III,

“तार परियात मंडल और तारघर” शीर्षक के अन्तर्गत:—

(क) कालम 1 में “तार परियात पर्यवेक्षक तार मास्टर, चयन पद क्रम तार मास्टर चयन पदक्रम के लिपिकवर्गीय कर्मचारी” के सामने, कालम 3 में “तार परियात श्रेणी-I का अधिकारी अथवा तार परियात श्रेणी-II का अधिकारी” प्रविष्टि के बाद निम्नलिखित प्रविष्टियाँ जोड़ी जाएँ—

“सहायक मुख्य अधीक्षक”

(ख) कालम 1 में “सभी अन्य पदे” प्रविष्टि के सामने, कालम 3 में “तार परियात सेवा, श्रेणी-I के अधिकारी के अधिकार क्षेत्र के अन्तर्गत तारघर में” प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए, अर्थात्:—

“सहायक मुख्य अधीक्षक”

(2) भाग 3 में—सामान्य केन्द्रीय सेवा, श्रेणी IV, “तार परियात मंडल और तारघर” शीर्षक के अन्तर्गत, कालम 1 में “सभी पद” प्रविष्टि के सामने कालम 2 और 3 में “तारघर के कार्य भार में तार परियात सेवा श्रेणी II का अधिकारी अथवा तार परियात सेवा, श्रेणी I के कार्यभार के अन्तर्गत किसी तारघर में (उनके कार्यालयों के कर्मचारियों के संबन्ध में)” मौजूबा प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए, अर्थात्:—

“तारघर के कार्य भार के अन्तर्गत तार परियात सेवा, श्रेणी II का अधिकारी अथवा तार परियात सेवा, श्रेणी I के कार्यभार के अन्तर्गत तार कार्यालय में सहायक मुख्य अधीक्षक (उनके कार्यालयों के कर्मचारियों के संबन्ध में)”

[सं० 201/57/76-डिस्क-II]

परिमल कुमार मुखर्जी, सहायक महानिदेशक (प्रशासन)

MINISTRY OF COMMUNICATIONS

(P & T Board)

New Delhi, the 22nd March, 1978

S.O. 1006.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12, and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620 dated the 28th February, 1957, namely:—

In the Schedule to the said notification,—

(1) in Part II—General Central Service, Class III, under the heading “Telegraph Traffic Divisions and Telegraph Offices”,—

(a) against the entry “Telegraph Traffic Supervisors, Telegraph Masters, Selection Grade Telegraph Masters,

Ministerial staff in Selection Grades” in column 1, after the entry “Officer of Telegraph Traffic Services, Class I or Officer of Telegraph Traffic Service, Class II, in column 3, the following entry shall be inserted, namely:—

“or Assistant Chief Superintendent”.

(b) against the entry “All other posts” in column 1, for the entry “in a Telegraph Office under the charge of an Officer of Telegraph Traffic Service, Class I” in column 3, the following entry shall be substituted, namely:—

“Assistant Chief Superintendent”.

(2) in Part III—General Central Service, Class IV, under the heading “Telegraph Traffic Division and Telegraph Offices”, against the entry “All Posts” in column 1, for the existing entry “Officer of Telegraph Traffic Service, Class II in charge of a Telegraph Office or in a Telegraph Office under the charge of Telegraph Traffic Service, Class I (in respect of staff in their offices)” in columns 2 and 3, the following shall be substituted, namely:—

“Officer of Telegraph Traffic Service, Class II in charge of a Telegraph Office or Assistant Chief Superintendent in a Telegraph Office under the charge of Telegraph Traffic Service, Class I (in respect of Staff in their offices)”.

[No. 201/57/76-Disc. II]

P. K. MUKHERJEE, Asstt. Director General (Disc.)

नई दिल्ली, 29 मार्च, 1978

का०आ० 1007.—का०आ० संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तारनियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने हरिपाद टेलीफोन केन्द्र में दिनांक 1-5-78 से प्रभाविता दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-10/78-पी० एच० बी०]

New Delhi, the 29th March, 1978

S.O. 1007.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-5-1978 as the date on which the Measured Rate System will be introduced in Haripad Telephone Exchange, Kerala Circle.

[No. 5-10/78-PHB]

का०आ० 1008.—का०आ० संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तारनियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने वरकाला टेलीफोन केन्द्र में दिनांक 1-5-78 से प्रभाविता दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-10/78 पी० एच० बी०]

S.O. 1008.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-5-1978 as the date on which the Measured Rate System will be introduced in Varkala Telephone Exchange, Kerala Circle.

[No. 5-10/78-PHB]

का०आ० 1009.—का०आ० संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तारनियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार डाक तार महानिदेशक ने पथनमूचिट्टा टेलीफोन लेकेन्द्र में दिनांक 1-5-78 से प्रभाविता दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-10/78-पी० एच० बी०]

आर० सी० कटारिया, सहायक महानिदेशक (पी० एच० बी०)

S.O. 1009.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S. O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1-5-1978 as the date on which the Measured Rate System will be introduced in Pathanamthitta Telephone Exchange, Kerala Circle.

[No. 5-10/78-PHB]

R. C. KATARIA, Assistant Director General (PHB)

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 22 मार्च, 1978

क्र० आ० 1010—राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुपालन में रेल मंत्रालय (रेलवे बोर्ड) केन्द्रीय सरकार के निम्नलिखित रेल कार्यालयों को, जहाँ के कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है:—

1. मण्डल अधीक्षक का कार्यालय, भुसावल, मध्य रेलवे।
2. मण्डल अधीक्षक का कार्यालय, नागपुर, मध्य रेलवे।
3. उत्तर रेलवे, प्रधान कार्यालय।
4. मण्डल अधीक्षक का कार्यालय, दिल्ली, उत्तर रेलवे।
5. मण्डल अधीक्षक का कार्यालय, जोधपुर, उत्तर रेलवे।
6. मण्डल अधीक्षक का कार्यालय, बीकानेर, उत्तर रेलवे।
7. मण्डल अधीक्षक का कार्यालय, लखनऊ, उत्तर रेलवे।
8. रेल सेवा आयोग, इलाहाबाद।

[सं० हिन्दी-78/रा० आ० 15/7]

बी० मोहन्ती, सचिव एवं पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 22nd March, 1978

S.O. 1010.—In pursuance of Sub-Rules (2) & (4) of Rule 10 of the Official Languages (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the under-mentioned Railway Offices of Central Government, the staff whereof have acquired the working knowledge of Hindi:—

1. Office of the Divisional Superintendent, Bhusawal, Central Railway.
2. Office of the Divisional Superintendent, Nagpur, Central Railway.
3. Northern Railway Headquarters Office.
4. Office of the Divisional Superintendent, Delhi, Northern Railway.
5. Office of the Divisional Superintendent, Jodhpur, Northern Railway.
6. Office of the Divisional Superintendent, Bikaner, Northern Railway.
7. Office of the Divisional Superintendent, Lucknow, Northern Railway.
8. Railway Service Commission, Allahabad.

[No. Hindi-78/OL-15/7]

B. MOHANTY, Secy. & Ex-officio Jt. Secy.

MINISTRY OF LABOUR

New Delhi, the 22nd March, 1978

S.O. 1011.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Sesa Goa (Private) Limited, Panjim, and their workmen which was received by the Central Government on the 15th March, 1977.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Camp: Mormugao

Reference No. CGIT-2/5 of 1975

Employers in relation to the management of M/s. Sesa Goa (Private) Limited, Panjim

AND

Their Workman

Shri B. V. Naik, Surveyor

APPEARANCES:

For the Employers—Shri Ramesh Desai, Labour Adviser.

For the Workman—Shri George Vaz, General Secretary, Goa Mining Labour Welfare Union.

INDUSTRY: Iron Ore STATE: Goa, Daman and Diu

Bombay, the 13th February, 1978

AWARD

1. The Government of India, in the Ministry of Labour acting under the powers conferred upon it under Section 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the following industrial dispute to this Tribunal for adjudication, vide order No. L-26012/1/74LRIV-DIV(B) dated 15-2-1975:

“Whether the action of the management of Messrs Sesa Goa (Private) Limited, Panjim in terminating the services of Shri B. V. Naik, Surveyor in their Iron Ore Mines, with effect from 2-6-1973 is justified? If not, to what relief is the workman entitled?”

2. The facts disclosed in the statement of claim filed by the General Secretary of the Goa Mining Welfare Union on behalf of the workman herein are that the workman Shri B. V. Naik joined the service of Messrs Sesa Goa (Private) Limited, Panjim (hereinafter referred to as the company) on 7-3-1969 as a Surveyor attached to the Orroso Dongor Mine (hereinafter referred to as the O.D. Mine). He was removed from service with effect from 2-6-1973 on two charges (1) Gross Negligence and (2) Wilful insubordination and disobedience of lawful and reasonable orders of his superiors. The facts relating to charge No. 1 are that on 13-3-1973 the workman went to O.D. Mines by the company's jeep with a Tacheometer Theodolite of British manufacture worth about Rs. 10,000. After going near the work spot he unloaded the instrument, kept it by the road side, and went in search of labour. By the time he returned to the spot he found that the instrument was badly damaged having been run over by a heavy truck belonging to the company. He was charged sheeted for gross negligence, viz. for having carelessly kept that instrument at a place which was unsafe. The facts relating to the second charge are that on 17-3-1973 one Shri Gupta, Assistant Chief Mines Engineer (hereinafter referred to as A.C.M.E.) Survey and Prospecting Department directed the workman to proceed to O.D. Mines to carry out some survey work with the help of a defective Theodolite. The workman submitted to the A.C.M.E. that the Survey work entrusted to him could not be satisfactorily carried out with such a defective instrument. But the A.C.M.E. insisted on the work being carried out with

that defective instrument, although the company had another instrument which was in good condition. Thereupon to safeguard his interest the workman requested the A.C.M.E. to give the orders in writing. Towards the close of the day on 17-3-1973 the A.C.M.E. directed the workman to report himself on the morning of the next working day viz. 19-3-1973 at the O.D. Mines direct. It may be noticed that the office of the A.C.M.E. is at Sanquelim. When the workman told the A.C.M.E. that he would go to Sanquelim office the next day i.e. 19-3-1973 to pick up the labourers and the equipment before proceeding to the O.D. Mines, the A.C.M.E. did not give any reply one way or the other. So he thought in good faith that he was permitted by the A.C.M.E. to go to the Sanquelim Mine in the first instance. Accordingly the workman reported himself at Sanquelim on 19-3-1973 and approached the Land Transport Department (L/T Department) for Transport to go to the O.D. Mine but he was told that no vehicle was available. He reported the matter to A.C.M.E. After some time the A.C.M.E. took the workman along with two other labourers in his Jeep to the O.D. Mines to do the demarcation work. The workman accordingly carried out that work. He submits that there was no question of wilful insubordination or disobedience of lawful and reasonable orders of his superiors. In respect of each of these items of misconduct a separate domestic enquiry was held by the Chief of Personnel of the Company. The enquiry Officer by two separate reports submitted his findings to the competent disciplinary authority who after considering the same imposed the punishment of removal from service. The workman submits that the Enquiry Officer was biased against him. It is alleged that the Enquiry Officer failed to record certain answers given by the witnesses which were favourable to the workman. It is said that the workman was prejudiced at the enquiry as the Enquiry Officer did not have any technical knowledge to appreciate the consequences of using the defective instrument in question under the Metalleiferous Mines Rules (MMR). Regarding the other charge of gross negligence it is said that the utmost that can be said against the workman is that he committed an error of judgement in choosing the place where he unloaded the Theodolite. It is said that there is absolutely no case of gross negligence. He also submits that the result of the appeal referred by the workman to the Technical Director against the findings of the Enquiry Officer was not communicated to him. The workman submits that he and his family consisting of four members have been hit hard by the order of wrongful removal from service passed by the management and that this punishment is out of proportion to the misconduct alleged to have been committed. The action taken by the management has left a stigma on the future career of the workman. The workman therefore prays that reinstatement in service with full back wages and continuity of service may be ordered.

3. The management in their written statement deny the allegations that the Enquiry Officer was biased against the workman and that the enquiry proceedings were vitiated for the reasons stated in the statement of claim. They say that the workman was rightly found guilty on both the counts and that the punishment imposed by the management on the workman is appropriate having regard to the circumstances of the case. The workman is not entitled to any of the reliefs prayed for. They also question the validity of the order of reference made by the Government. When the Assistant Labour Commissioner (Central) submitted his failure report on 20-12-1973 to the Secretary to the Ministry of Labour the Government declined to refer the dispute to the Industrial Tribunal for adjudication for the reason that the action taken by the management did not appear to be mala fide and unjustified. After a lapse of about 12 months without any further representation either from the workman or from the Union the Government issued the present order of reference on 15-2-1975. It is said that the Government has no cause to reopen the case. They pray that the reference may be answered against the workman.

4. On the above averments the following points arise for consideration :—

- (1) Whether the reference is not maintainable according to law?
- (2) Whether the enquiry proceedings are vitiated for the reasons mentioned in the statement of claim?

- (3) Whether the findings recorded by the Enquiry Officer are not warranted by the evidence placed on the record?
- (4) Whether the punishment awarded is disproportionate to the gravity of the misconduct?
- (5) To what relief?

POINT 1 :

5. This point though raised in the written statement is not pressed by the representative of the management. Therefore answered against the management. Nor is the plea that the employee in question is not a workman within the meaning of the Act, urged.

POINT 2 :

6. For the misconduct of gross negligence in unloading the Theodolite on the road side resulting in the same being run over by a heavy truck a charge-memo. was served on the workman on 6-4-73, and the enquiry was conducted on 12-4-1973. Before the Enquiry Officer Shri Burman (Mines Manager) Ledoo Mandremcar (Jeep Driver) Shantaram Porob (Water truck Driver) and Pandurong Naik (Mining Mate) were examined for the department while one Paul D'Souza Head Mechanic was examined for the workman. The departmental witnesses were cross-examined by the workman who personally conducted his defence before the Enquiry Officer. The workman examined by the Enquiry Officer during the course of his enquiry stated that he had nothing against the enquiry. The case of the workman is that the last answer viz. "I do not have anything against the Inquiry" was not given by him, and that it was mischievously put in his mouth by the Enquiry Officer who was biased against him. During the course of the cross-examination of EW-1 before this Court he was asked if the answers to the following questions were also not supplied by him when the witnesses did not answer in that manner.

Mr. Burman's Cross-examination :

"Q. I show herewith the position of the box kept by me from the sketch which I produce herewith. Is it not a safe place to keep the box of instruments?"

"Ans. Certainly not. Because it is very close to the road. Moreover it was unattended and anybody would have rubbed it during your absence from the spot".

"Q. According to you the instrument was kept 60 cms. from the road edge and that 5 pipes were at the road edge, don't you think that a driver who is playing a vehicle will keep away from the pipe?"

"Ans. As far as possible the drivers will avoid to go on the pipes but if there is an obstruction from the other side they may drive on the pipes which will not cause any damage to the pipes. The spare pipes will not serve an obstacle to the large vehicle because the height of the pipes from the ground is hardly four inches".

Cross-examination of Ledoo Mandremcar :

"Q. According to you was it not a safe place to keep the instrument away from the road?"

"Ans. Normally a vehicle goes to that place but if it goes it will lean on one side".

The Enquiry Officer denied the suggestion that the answers to the above questions were supplied by him to the above witnesses. He also denied the suggestion that the last answer of the workman, "I do not have anything against the Inquiry" was supplied by him. EW-1 also denied the suggestion that the workman made an oral request to him during the course of the enquiry that the Assistant Mines Manager Shri Rocha should be examined in his defence.

7. On the second charge of wilful insubordination or disobedience of lawful and reasonable orders of his superiors the Enquiry Officer denied the suggestion of his having supplied to answers to the following questions during the course of the cross-examination of Shri Gupta. A.C.M.E.

"Q. Is it not true I approached you at about 8.30 at your table in your office at Sanquelim with the instrument Stanley London 103115 to report you about the report about the instrument which you asked me on the previous day".

"Ans. No. Instead I had asked you to check this instrument and asked you also to give me in writing if there are any errors in the instrument".

He was also asked why he did not insist on the witness Shri Gupta answering the following question put by the workman in his cross-examination:

"Q. Do you find the report given by me about the instrument after checking it in the field to be incorrect. Despite the report did you want me to carry out the Survey work at the mines".

The witness stated that he did not think it necessary. Absolutely no reason whatsoever is suggested for the charge that the Enquiry Officer EW-1 was biased against the workman. When EW-1 says that the answers recorded for the above questions were given by the witnesses themselves and not supplied by him there is no reason why his statement should be rejected.

8. With reference to the enquiry into the charge of gross negligence he admits having suggested to the witness Shri Burman during the course of his cross-examination to say that the place where the Mining Mate was standing was "about 100 Metres" when the following question was put to him.

"Q. Was this Mate, Pandurang Naik hundred metres away from the accident?"

He further stated that he had to do so to cut short the controversy between the parties regarding the actual distance. From this circumstance alone it cannot be said that any serious prejudice has been caused to the workman. Further his present complaint re. the Enquiry Officer having suggested to the witnesses answers to several questions put to them in their cross-examination has not been urged in the grounds of appeal submitted by the workman to the Technical Manager.

9. No other point is urged to show how this Enquiry is vitiated.

10. On a perusal of the Enquiry proceedings I am satisfied that all the witnesses of the management were examined in the presence of the delinquent employee and he was given ample opportunity to examine those witnesses. As pointed out by Shri Ramesh Desai the Enquiry Officer must be said to have erred on the side of being more fair to the workman than to the management when he allowed the workman to submit a statement in writing disclosing his defence instead of examining him in person and allowing the management's representative to cross-examine him. (This concerns the charge of insubordination). No defence witnesses are examined in this enquiry. It is not the workman's case that he was not permitted to do so. The workman was given an opportunity to lead evidence in his defence in the other enquiry relating to gross negligence.

For the aforesaid reasons point 2 held against the workman.

POINT 3:

11. The workman herein is found guilty on two counts viz. (1) Gross negligence (2) Wilful insubordination of disobedience of lawful and reasonable orders of his superiors.

Regarding charge 1. On 13-3-1973 at 3.30 P.M. the workman WW-1 went by jeep bearing registration No. GAD-4031 taking a Theodolite with him to the workspot viz. O.D. Mines. The jeep was driven by Ladoo Mandremcar. By the same jeep the defence witness Paul D'Souza also travelled. At some distance from the workspot he removed the Theodolite from the jeep and kept it about 60 c.m. from the margin of road. (Vide the rough sketch filed by WW-1 before the E.O. the correctness of which is not disputed before this Tribunal). The evidence on record does not show that WW-1 kept any person to keep

a watch over the instrument during his absence. After keeping the instrument at the place indicated in the sketch (annexure C-14 to written statement) he proceeded to the office of Shri Burman to secure the assistance of some labourers and Shri Burman directed WW-1 to approach Shri Rocha, Asstt. Mines Manager. When Shri Rocha also could not provide any workman WW-1 went to Burman once again for help. Shri Burman directed WW-1 to Lucas Fernandes Mining Mate at the Mines stack at the Screening plant to get the necessary assistance. By 4.15 P.M. the Jeep Driver Ladoo Mandremcar reported to Shri Burman that the Theodolite was run over by a passing truck. On receipt of this information Shri Burman proceeded to the spot to inspect the place and also to see the damaged instrument. At about the same time WW-1 also reported to Mr. Burman the damage caused. The damaged instrument is said to be worth Rs. 10,000 and of British manufacture. The witness Mandremcar (Driver) also spoke to his having taken WW-1 by the jeep to the O.D. mines where WW-1 removed the Theodolite from the Jeep. He also stated that by the same jeep he took WW-1 to the office of Burman and from there to the office of Shri Rocha and from there back to Burman. The witnesses Shantaram Perob and Pandurang Naik do not throw much light on this question. The workman WW-1 examined himself in his defence. After speaking to his having left the instrument at the place marked in the sketch he went on to say that the place where he kept the instrument in his opinion was the safest. As shown in the sketch there were about four loose pipes of about 4" diameter lying in between the road and the place where the instrument was kept. There were also several barrels which were ripped open and laid one by the side of the other to serve as a channel to carry water from the nearby tap and in front of these barrels this instrument was kept. According to him in the hollow of these open barrels, the workmen would keep their helmets and their clothes. For want of men he could not keep anyone to guard the instrument. He was not cross-examined. The defence witness Paul D'Souza who was present at the time the instrument was unloaded from the jeep on the road side, says that he saw WW-1 keeping the instrument about 3 feet in front of the mouth of the barrels on the side of the road. On the above evidence the Enquiry Officer came to the conclusion that the act of the workman in leaving this precious instrument about 60 c.m. away from the road margin unattended was gross-negligence, punishable under the standing orders. The question is whether the action of the workman in keeping the instrument at the place he did constitutes gross-negligence. Regarding the charge that this instrument should not have been left unattended the evidence of WW-1 and Shri Burman shows that there were no labourers that could be spared to WW-1 immediately even for carrying out his survey work. During the cross-examination of Shri Burman, WW-1 elicited that to get one labourer he had to suffer the indignity of going to Burman twice and Rocha once only to be cursed by them for making this request which according to them was belated. Regarding the actual place the instrument was kept there is no dispute. The witness Shantaram Perob in his cross-examination stated that no lorry driver normally takes his vehicle to the spot in question because of the pipes that were placed there. He says by mistake a truck Driver could take his vehicle that way and if the vehicle was taken in reverse, it might touch that point where the instrument was kept because the driver could not see the rear side. The witness Pandurang Naik also stated that a vehicle might touch the instrument if it was taken in the reverse. In the cross-examination of the Jeep Driver Mandremcar it was elicited by WW-1 that seeing the damage caused to the instrument he exclaimed "what sort of a driver drove his truck over the instrument and he would have run over a man if he was in place of the instrument". There is also some evidence to show that the place where the instrument was kept at a higher level than the road adjoining it. The Jeep Driver Mandremcar in reply to a question stated that normally a vehicle goes to that place but if it goes it will lean on one side. Even Mr. Burman stated in his cross-examination before the Enquiry Officer that as far as possible the drivers would avoid taking their vehicles over the loose pipes unless there was obstruction from the other side. Then some comment is made on the conduct of WW-1 in removing the instrument from the Jeep before he could commence his work. The evidence shows that WW-1 was making

use of the jeep from 3.45 P.M. to 5 P.M. It is stated that under the circumstances it must be held that WW-1 had acted indiscreetly in removing the instrument from the jeep before he actually commenced the work. The evidence of the Jeep Driver Mandremcar shows that the incharge of the Land Transport Department instructed him to return soon after dropping WW-1 at the workspot. The management will not usually allow a small employee like a Surveyor to keep the jeep with him after reaching the workspot. So WW-1 cannot be blamed in removing the instrument soon after reaching the workspot. It is also stated that actually the workspot of WW-1, which was nearby would have been a much safer place for keeping the instrument, then the spot chosen by WW-1. It may be so but the fault of WW-1 if any in choosing the roadside place may be said to be at the most an error of judgement. Shri George Vaz for the workman argues that on the evidence placed before the Enquiry Officer, the management should have taken action against the reckless truck driver, for having run over the valuable instrument instead of proceeding against the workman. Shri Vaz also pointed out that the conduct of WW-1 cannot be described as gross negligence but only an error of judgement. I agree. In the circumstances of the case I am inclined to hold that the finding of 'gross negligence' is not warranted by the evidence placed on the record.

12. The other charge of willful insubordination and disobedience of lawful and reasonable order of his superiors, consists of not carrying out the work of demarcation of the site for location of washing plant in spite of specific instructions issued to him by the A.C.M.E. on 17-3-1973 and 19-3-1973. The evidence of the A.C.M.E. who is the immediate superior of WW-1 is to the effect that on 17-3-1973 he instructed WW-1 to proceed to O. D. Mines to carry out the work of demarcation of the site for washing plant. This work was considered to be urgent because of the proposed visit of one of the directors. The workman instead of complying with this order joined issue with the A.C.M.E. on the question whether he could be compelled to carry out the work with this defective Theodolite under the Metalliferous Mines Regulations, 1961 (hereinafter referred to as the MMR). It is not disputed that this work of demarcation of site for locating washing plant could be done without the aid of theodolite. On 17-3-1973 this work of demarcation was not carried out and on the evening of 17-3-1973 Shri Gupta instructed WW-1 to report himself directly at O.D. Mines on the morning of 17-3-1973 (18-3-1973 being a Sunday) for the purpose of carrying out demarcation work. WW-1 instead of obeying this order reported himself at Sanquelim mines and again persisted in not carrying out the work unless a Theodolite in good condition was given to him and failing that Gupta should give it in writing that in spite of the margin of error that this defective instrument was recording being beyond the permissible limit he should proceed to carry out the work with it. As already stated no Theodolite was necessary for demarcating the site for installing a washing plant. It is not in dispute that in the afternoon of 19-3-1973 in view of the urgency of the work Shri Gupta himself took WW-1 with some labourers in his jeep and in his immediate presence got the demarcation work executed. The explanation given by the workman in para. 12 of his appeal Memo. (annexure C-19 to the written statement) is that in the afternoon of 17-3-1973 Shri Gupta asked him to prepare estimation of Viridi Loading Bridge and he had completed that work the same day and submitted his report to Shri Gupta. This case was not put to Shri Gupta in the course of his cross-examination before the Enquiry Officer. In his cross-examination Shri Gupta was asked whether on 17-3-1973 he had not at about 4.30 or 5 P.M. Instructed WW-1 to complete the estimation work of Viridi Loading Bridge and Sonshi Screening plant concrete work and whether he did not ask him to proceed to O.D. Mines on 19-3-1973. The witness denied the suggestion saying that after 2 P.M. on 17-3-1973 he did not meet WW-1. In the explanation to the charge-memo. also he had not referred to his having carried out the above work on 17-3-1973. In the appeal Memo. it is stated that when the A.C.M.E. directed WW-1 on 17-3-1973 to proceed direct to O.D. Mines on 19-3-1973 he submitted to him (A.C.M.E.) that he should be permitted to go to Sanquelim Mine to collect material and labour to which submission no reply was given. So he says he bone fide believed he could go to Sanquelim Mine before going to O.D. Mine. This explanation is not convincing. In the course of his evidence before this Court also WW-1 has not stated that he did

any other item of work like estimation of Sonshi Screening Plant Concrete work or Viridi loading Bridge. So there is absolutely no justification for WW-1 failing to carry out the work of demarcation of site for the location of washing plant at the O.D. Mines which was considered to be very urgent by his superior Shri Gupta. Till the afternoon of 19-3-1973 when he was taken to that place by the A.C.M.E. himself and got the work done in his immediate presence. It must be held that the finding of guilty recorded by the Enquiry Officer, on this part of the case is justified.

13. From the evidence placed before the Enquiry Officer and this Court it appears that besides demarcation of site WW-1 had to take subsidence reading of face No. VI of O.D. Mines on 17-3-1973. It is not disputed that for taking subsidence reading it is necessary to use a Theodolite. After the Theodolite which is the subject matter of charge No. 1, was damaged on 13-3-1973 WW-1 was asked to read the subsidence rate with a defective instrument. That instrument given to WW-1 was old and somewhat rickety is not disputed. WW-1 says in his evidence that on 16-3-1973 he tested the instrument and found that it was recording a reading far in excess of the permissible margin of error. When he brought this fact to the notice of Shri Gupta his superior on 17-3-1973 he was asked to submit the defects and the margin of error in the shape of a report. He accordingly submitted the report Exhibit E-2. The A.C.M.E. made the following endorsement Ex. E-3 on that report :—

"Please proceed to O.D. Mine. None of the difficulties mentioned below will affect the work at O.D. Mines"

WW-1 requested the A.C.M.E. to allow him to make use of the Theodolite that was in good condition which the A.C.M.E. refused to permit. WW-1 told the A.C.M.E. that being an examiner for the competency examination for survey he should appreciate the importance of having an accurate survey instrument in carrying out survey operations. The A.C.M.E. maintained that the instrument that was given to WW-1 was recording reading within the permissible margin of error and that he should carry out the assigned work with that. WW-1 felt that the reply given by the A.C.M.E. was not in accordance with the M.M.R. The A.C.M.E. should authorise him in writing to carry out the work with the defective instrument. A.C.M.E. refused to oblige with the result WW-1 did not carry out the work. The question is whether the above conduct of WW-1 amounts to insubordination and refusal to carry out the legitimate orders issued by his superior. At the outset it must be mentioned this was not the charge levelled against WW-1, or the subject matter of the enquiry before the Enquiry Officer (EW-1). WW-1 relies upon regulations 64 and 66 of the M.M.R. to show that as per the M.M.R. he would be held personally responsible for recording incorrect readings. It is further stated that the work of taking subsidence rate is a very important piece of work involving the safety of the several persons working in the mine.

"64. Survey instruments and materials—The owner or agent shall provide accurate and reliable survey instruments and materials for the proper carrying out of all survey and levelling work and for preparing the plans and sections required under these regulations; and no other instruments or implements shall be used in connection with any such survey or levelling work."

"66. Preparation of plans by surveyors—(1) Every plan and section, and tracing thereof, prepared under the regulations shall be prepared by or under the personal supervision of a surveyor appointed under regulation 38.

(2) Every plan or section or any part thereof, prepared by or under the personal supervision of a surveyor shall carry thereon a certificate by him to the effect that the plan or section or part thereof is correct and shall be signed and dated by the surveyor and countersigned and dated by the manager on every occasion that the plan or section is brought up to date.

(3) Every tracing of a plan or section, or of any part thereof shall bear a reference to the original plan or section from which it was copied and shall be certified thereon by the surveyor to be a true copy of the original plan or section. The certificate shall be signed and dated by him.

- (4) If the surveyor fails or omit to show any part of the working or allows any plan or section to be inaccurate, he shall be guilty of a breach of these regulations. Nothing in this regulation shall however exempt the owner, agent or manager of his responsibility to ensure that every plan or section prepared, kept or submitted under these regulations or by an order made thereunder is correct and maintained up-to-date as required thereunder."

14. Shri Ramesh Desai for the management submits that WW-1 has not established to the satisfaction of the A.C.M.E. or this Tribunal that the instrument given to him was recording reading for in excess of the permissible margin of error. The report Ex. E-2 submitted by him does not give this information. It is admitted that Shri Gupta, the A.C.M.E. is a highly qualified mining Engineer who is also an examiner for the competency examination for surveyors. When he assured WW-1 in writing as per Ex. E-3 that the work could be done with that instrument there was no reason why WW-1 should not have complied with his direction. If the reading recorded by him were to be defective he could have taken shelter under the orders of Shri Gupta. Shri Ramesh Desai has also drawn the attention of the witness to regulation 52(2)(c) which lays down that the surveyor shall record in a bound paged book kept for the purpose any other matter relating to the preparation of the plans sections and tracing that he may like to bring to the notice of the Manager. His point is that if WW-1 was not satisfied with the directions given by Shri Gupta he should have recorded his objection to the use of this defective instrument and got it countersigned and dated by the Manager as provided under that rule. It is stated that if this procedure had been followed by WW-1 he would have been absolved of all responsibility should be readings taken by him proved inaccurate. WW-1 maintained that 52(2)(c) did not apply to the situation in question. Even so the endorsement Ex. E-3 of the A.C.M.E. is a written direction to WW-1 to carry out the work with the alleged defective instrument. What further direction in writing WW-1 required from the A.C.M.E. is not clear. In his cross-examination he admitted that this endorsement Ex. E-3 met with his demand for a direction in writing. He however tried to maintain that in his presence Ex. E-3 was not written by the A.C.M.E. I am not inclined to accept his evidence on that point. At first he stated Ex. E-3 endorsement must have been got up subsequent to 17-3-1973. Then he stated that the said endorsement might have been made on 17-3-1973 itself but was not brought to his notice. He went on to say that within a minute after he submitted Ex. E-2 Shri Gupta left the place. The cross-examination of Shri Gupta before the Enquiry Officer shows that he was with Shri Gupta from 8.30 A.M. till about 10 A.M. on 17-3-1973. Therefore it is probable that WW-1 was aware of the endorsement Ex. E-3 made on the report Ex. E-2 and in spite of it he refused to comply with the direction of his superior. Shri Ramesh Desai tried to rely upon the annexure Ex. 'D' to the written statement which is a letter addressed by WW-1 to the incharge Survey and Prospecting Department to show that for about 3-1/2 years before March 1973 this defective Theodolite was being used and was giving good results. The following portion of this letter is relied upon by Shri Desai.

"I have to request you in this way because the survey results which I had given here before with the help of a reasonable instrument (which has been damaged recently) you used to condemn even without checking them but comparing them with the results got by Mr. Ghosh with the help of a defected instrument which he gave you for the last 3-1/2 years though he had checked that instrument every year....."

This does refer to the use of a defective instrument by the Surveyor. Shri Ghosh but there is no evidence to show that the defective instrument referred to in Ex. D was the same with which WW-1 was asked to carry out the work on 17-3-1973 and 19-3-1973. Nor was WW-1 asked about it during the course of his cross-examination after inviting his attention to this document.

15. On a consideration of the entire evidence, I hold so far as the offence of gross-negligence is concerned the finding of guilty recorded by the Enquiry Officer is not warranted by the evidence on record. On the second charge of wilful insubordination or disobedience of lawful and reasonable orders of his superior I hold that the finding of guilty recorded by the Enquiry Officer is justified.

Point 3 held accordingly.

POINT 4:

16. Shri George Vaz for WW-1 submits that the punishment awarded to the workman is disproportionate to the offence in question. It is not disputed that WW-1 had a clean record of service from the date of his appointment on 7-3-1969 till 13-3-1973. Of the offence of gross negligence he has been exonerated by the finding on point 3. The competent authority to whom the enquiry officer submitted his findings considered that each one of the offences proved against WW-1 was of a grave and serious nature warranting the imposition of the punishment of dismissal. Taking a lenient view of the matter the competent authority discharged WW-1 from service instead of dismissing him.

17. WW-1 prays for reinstatement in service with full back wages and continuity in service. WW-1 has stated that after his services were terminated till the date of his examination before this Tribunal he could not secure any alternative job. This statement of his has not been controverted. Shri Ramesh Desai submits that when WW-1 defied the orders of his immediate superior on 17-3-73 and 19-3-73 and pleaded justification of the same unsuccessfully before the Enquiry Officer and this Tribunal without expressing any regret for that misconduct the punishment cannot be said to be unreasonable. True the workman could have expressed regret for his misconduct at least before this Tribunal. But his conduct on 17-3-73 and 19-3-73 may have to be considered in the light of the happenings on 13-3-73 on which date the management attributed the damage caused to the Theodolite worth Rs. 10,000 solely to his gross negligence. That Theodolite was in a sound condition till it was run over by a truck. WW-1 who was since January 1973 entrusted with the work of taking subsidence rate was doing that work with the help of that instrument. After it was damaged the A.C.M.E. asked him to complete that work with the help of a rickety instrument though another instrument in good condition was available at the mine. Probably the workman felt hurt when he was not given the instrument in good condition after the accident on 13-3-1973. Whatever that may be I feel that the punishment of discharge from service is not warranted in the circumstances of the case having regard to his past good service record.

I feel that the interests of justice will be met by ordering reinstatement with continuity of service and 1/4th of back wages from the date of discharge i.e. 2-6-1973 to the date of reinstatement.

18. For the aforesaid reasons this reference is answered as follows:—

The action of the management in terminating the services of Shri B. V. Naik Surveyor in their Iron Ore Mines with effect from 2-6-1973 is not justified and that he is entitled to reinstatement with continuity of service with 1/4th back wages from the date of discharge i.e. 2-6-1973 till the date of reinstatement.

Sd/-

P. RAMAKRISHNA, Presiding Officer

APPENDIX OF EVIDENCE IN REFERENCE NO. CGIT-
2/5 OF 1975

ORAL EVIDENCE

For the management For the workman
Shri A.V. Salvonkar Shri B.V. Naik WW-1

DOCUMENTARY EVIDENCE

For the management

1. Standing Orders Ex.E-1
2. Representation dated 17-3-73 from Shri B.V. Naik addressed to the Incharge, Survey & Prospecting Dept., Sanquelim, Ex.E-2
3. Note on Ex. E-2 by the Incharge Ex.E-3
4. Survey Diary Ex.E-4
5. Survey Attendance book Ex.E-5
6. Original enquiry proceedings of Enquiry held on 12-4-73 Ex.E-5A
7. Original enquiry proceeding of 21-4-73 Ex.E-6
8. Office copy of the order dated 7-9-73 on the Appeal against the discharge Ex.E-7

For the workman

1. Original discharge order dated 2-6-73 Ex.W-1
2. Original Memo. dated 24-3-74 Ex.W-2
3. Original of the chargesheet and letter of enquiry dated 6-4-73 Ex.W-3
4. Original of the Chargesheet dated 24-3-73 Ex.W-4
5. Copy of Circular No. 42 dated 14-7-67 from the Director-General of Mines Safety Ex.W-5

(No. L26012/1/74-LR IV/D III B)
JAGDISH PRASAD, Under Secy

नई दिल्ली, 27 मार्च, 1978

कांआ० 1012.—न्यूनतम मजदूरी अधिनियम, 1948 (1948 का 11) की धारा 4 की उपधारा (1) के खण्ड (iii) के साथ पठित धारा 3 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग), की अधिसूचना सं० 3432 तारीख 19 अगस्त, 1972 को अधिकांश करते हुए, मैगनेसाइट खानों के नियोजन में नियोजित उन कर्मचारियों के प्रवर्गों को, जो इससे उपाखंड अनुसूची के स्तम्भ (1) में विनिर्दिष्ट हैं, संवेद्य मजदूरी की वे न्यूनतम दरें नियत करने के लिए, जो अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टियों में विनिर्दिष्ट हैं, केन्द्रीय सरकार के निम्नलिखित प्रस्ताव, उक्त अधिनियम की धारा 5 की उपधारा (1) के खण्ड (ख) की अपेक्षाानुसार, उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किए जा रहे हैं जिनके उससे प्रभावित होने की संभावना है और इसके द्वारा यह सूचना दी जाती है कि इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से 70 दिन की समाप्ति पर या उसके बाद उक्त प्रस्तावों पर विचार किया जाएगा।

उक्त विनिर्दिष्ट धर्मा में पूर्व उक्त प्रस्तावों के बारे में यदि कोई सुझाव या आक्षेप प्राप्त होंगे तो केन्द्रीय सरकार उस पर विचार करेगी।

अनुसूची

काम का वर्गीकरण	दैनिक मजदूरी की न्यूनतम दरें
(1)	(2)
अकुशल	5.80 रु० प्रतिदिन
चौकीदार, कुली, क्लीनर, खलासी, भारिक, मजदूर, ¹ अन्य प्रवर्ग, जो अकुशल हैं और जिन्हें चाहे किसी भी नाम से पुकारा जाता हो।	
प्रदक्षिण/अकुशल पर्यवेक्षक	7.25 रु० प्रतिदिन
ब्रैकर, रसोइया, शिक्षक आया, ड्रिलर, माली, प्रधान चौकीदार, हेल्पर, भूकवम मेट, खनिक, आयल मन, पम्प-खलासी, सिपाही; अन्य प्रवर्ग, जो अर्ध कुशल/अकुशल पर्यवेक्षक हैं, और जिन्हें चाहे किसी भी नाम से पुकारा जाता हो	
कुशल	8.70 रु० प्रतिदिन
लुहार, बहरी, कम्पाउन्डर, शाटफायरर, शिक्षक परि-भारक, ड्राइवर, इलेक्ट्रिशियन, फोरमैन, खान पर्यवेक्षक, मिस्त्री, पम्प प्रचालक, पर्यवेक्षक, दर्जी अन्य प्रवर्ग, जो कुशल हैं और जिन्हें चाहे किसी भी नाम से पुकारा जाता हो।	
लिपिकवर्गीय	8.70 रु० प्रतिदिन
लेखापाल, लिपिक, रोकड़िया, स्टोर-निगामी, मुन्शी, रजिस्टर कीपर, रिकार्ड कीपर, स्टोर परिवारक, स्टोर कीपर, आणुलिपिक, टाइपिस्ट, टाइम कीपर, अन्य प्रवर्ग, जो लिपिकवर्गीय हैं, जिन्हें चाहे किसी भी नाम से पुकारा जाता हो।	

इस अधिसूचना के प्रयोजन के लिए स्पष्टीकरण:—

1. प्रस्तावित न्यूनतम दरों में सर्व सम्मिलित कारी दरें हैं जिनके अन्तर्गत आधारीक दरें, आवास भत्ते की लागत और आवश्यक वस्तुओं के रियायती प्रदाय का यदि कोई हो, नकद मूल्य, भी है तथा इसमें साप्ताहिक विश्राम के लिए संवेद्य मजदूरी भी है।

2. मजदूरी की ये न्यूनतम दरें डेकदरों द्वारा नियोजित कर्मचारियों को भी लागू हैं।

3. जहाँ संविदा या करार पर आधारित मजदूरी की वर्तमान दरें अधिनियम के अधीन अधिसूचित दरों से अधिक हों वहाँ उच्चतर दरें संरक्षित रखी जाएंगी और वे इस अधिसूचना के प्रयोजनों के लिए न्यूनतम मजदूरी समझी जाएंगी।

4. (क) अकुशल कार्य: वह कार्य है जिसमें सरल क्रिया अन्तर्बलित है और जिसमें काम में कुशलता या अनुभव या तो बहुत थोड़ा अपेक्षित है या बिल्कुल अपेक्षित नहीं है।

(ख) अर्ध कुशल कार्य: वह कार्य है जिसमें काम में अनुभव द्वारा प्राप्त कुशलता या सक्षमता की कुछ मात्रा अपेक्षित है और जिसे कार्य संबंधी पर्यवेक्षण या मार्ग दर्शन में किया जा सकता है।

(ग) कुशल कार्य: वह कार्य है जिसमें काम में अनुभव द्वारा, या शिक्षा के रूप में या किसी तकनीकी या व्यावसायिक संस्था में प्रशिक्षण द्वारा प्राप्त कुशलता या सक्षमता अन्तर्बलित है और जिसके पालन में पहले और निर्णय आवश्यक है।

5. 18 वर्ष से कम आयु के नवयुवकों और प्रवर्गों के लिए मजदूरी की न्यूनतम दरें, सम्बन्धित प्रवर्ग के वयस्क कर्मचारियों की संवेद्य दरों की क्रमशः 80 प्रतिशत व 70 प्रतिशत होंगी।

[सं० एस० 32019(15)/76-डब्ल्यू०सी० (एम० डब्ल्यू०)]
टी० के० रामचन्द्रन, उप सचिव]

New Delhi, the 27th March, 1978

S.O. 1012.—The following proposals made by the Central Government in exercise of the powers conferred by clause (a) of sub-section (1) of section 3 read with clause (iii) of sub-section (1) of section 4 of the Minimum Wages Act, 1948 (11 of 1948) and in supersession of the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3432 dated 19th August, 1972 for fixing the minimum rates of wages as specified in column (2) of the Schedule, annexed hereto, payable to the categories of employees employed in an employment in Magnesite mines specified in the corresponding entries in column (1) of the said Schedule, are hereby published, as required by Clause (b) of sub-section (1) of section 5 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said proposals shall be taken into consideration on or after the expiry of seventy five days from the date of publication of this notification in the Official Gazette

Any objection or suggestion which may be received from any person with respect to the said proposals before the period specified above will be considered by the Central Government.

SCHEDULE

Classification of work	Minimum rates of wages per day
(1)	(2)

UN-SKILLED

Chowkidar; Coolie; Cleaner; Khalasi, Rs. 5.80 per day.
Loader; Mazdoor; Other categories
by whatever name called which are
unskilled.

SEMI-SKILLED/UNSKILLED

SUPERVISORY:

Breaker; Cook; Creche Aya; Driller; Gar- Rs. 7.25 per day
dener; Head Chowkidar; Helper; Muc-
cadam; Mate; Miner; Oilman; Pump
Khalasi; Sepoy; Other categories by
whatever name called which are semi-
skilled/unskilled supervisory.

SKILLED

Blacksmith; Carpenter; Compounder; Rs. 8.70 per day.
Shot Firer; Creche Attendant; Dri-
ver; Electrician; Foreman; Mine
Supervisor; Mason; Pump Operator;
Supervisor; Tailor; other categories
by whatever name called which are
skilled.

CLERICAL

Accountant; Clerk; Cashier; Store Issuer; Rs. 8.70 per day.
Munshi; Register Keeper; Record
Keeper; Store Attendant; Store Kee-
per; Stenographer; Typist; Time kee-
per; Other categories by whatever
name called which are clerical nature.

Explanation for the purpose of this notification :—

1. The minimum rates proposed are all-inclusive rates including the basic rate, the cost of living allowance and the cash value of concessional supply, if any, of essential commodities and also include the wages payable for the weekly rest day.

2. The minimum rates of wages are applicable to employees engaged by contractors also.

3. Where the prevailing rates of wages based on contract or agreement are higher than the notified rates under the Act, the higher rates would be protected and treated as minimum wages for purposes of this notification.

4. (a) Unskilled work is one which involves simple operations requiring little or no skill or experience on the job.

(b) Semi-skilled work is one which involves some degree of skill or competence acquired through experience on the job and which is capable of being performed under the supervision or guidance on the job.

(c) Skilled work is one which involves skill or competence acquired through experience on the job or through training as an apprentice or in a technical or vocational institute and the performance of which calls for initiative and judgement.

5. The minimum rates of wages for young persons below 18 years of age and disabled persons shall be 80% and 70% respectively of the rates payable to adult workers of the appropriate category.

[No. S-32019(5)/76-WC(MW)]

T. K. RAMACHANDRAN, Dy. Secy.

New Delhi, the 22nd March, 1978

S.O. 1013.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the arbitrator in the industrial dispute between the employers in relation to the management of the Cantonment Board, Ramgarh and their workmen, which was received by the Central Government on the 17th March, 1978.

BEFORE SHRI S. B. SINGH, ASSTT. LABOUR COM-
MISSIONER (CENTRAL) HAZARIBAGH
& ARBITRATOR

PARTIES:

Employers in relation to the management of the Cantt.
Board Ramgarh, Distt. Hazaribagh.

AND

Their workman Shri Bikarmaditya Mishra—Chowkidar.

APPEARANCES:

For the employers.—Shri A. K. Bose, Executive Officer,
Cantt. Board, Ramgarh, Distt. Hazaribagh.

For the workman.—Shri K. S. Kamal, General Secretary
Ramgarh Cantt. Board, Worker Union Ramgarh
Cantt. Distt. Hazaribagh.

Hazaribagh (Bihar), the 13th March, 1978

AWARD

The employers and the workmen by a written agreement dated 30-12-1977, in pursuance of the provisions of Sub-Section (1) of Section 10A of the I.D. Act-1947 agreed to refer the following dispute to my arbitration and in pursuance of Sub-Section (3) of Section 10A of the said Act, the Govt. of India, Ministry of Labour, published the arbitration agreement under notification No. S.O. 329 dated 17-1-1978 in the Gazette of India [Part-II-Section 3-Sub-Section (ii)] on 4-2-1978.

“(i) Whether action of the management of Ramgarh Cantonment Board in recording the date of birth of Shri Bikarmaditya Mishra Chowkidar, Cantt. Board Ramgarh as 15-3-1919 is justified?

(ii) If not, what should be his date of birth to be recorded in service record and to what relief he is entitled?”

The parties were heard on 9-3-1978.

The case of the workman is that Sri Bikramaditya Mishra Chowkidar is in the employment of the Ramgarh Cantonment Board since 29-1-1958. He had never been asked to submit any proof regarding the date of his birth either at the time of his appointment or thereafter and thus his date of birth was not recorded in his service book. All of sudden on 26-3-1973 he was asked to appear before the Medical Officer Cantt. Board, Ramgarh but the purpose for which he was to appear before the Medical Officer was not disclosed. At the time of the medical examination he came to know that it was for the determination of his age and immediately he requested for time to go to residence and produce documentary evidence of his age but his request was not conceded. He was compelled to sign on the report of the Medical Officer who assessed him fiftyfour years old, and on the basis of the same his date of birth was recorded as 15-3-1919 in his service book some time in the year 1976. The workman is read up to class VII and as per his school leaving certificate his date of birth is 25-3-1922. Before the medical examination he took a life insurance policy for Rs. 3,500.00 on 12-7-1972 and in the said policy also his date of birth as 25-2-1922 has been accepted on the basis of his school leaving certificate. The workman represented to the management on 20-11-1975 regarding the wrong recording of his date of birth and also furnished an attested copy of his school leaving certificate in support of his correct date of birth. On receipt of his representation and the copy of school leaving certificate, the management of the Ramgarh Cantonment Board under their letter dated 29-11-1975 enquired from the Head Master Middle School Done, Distt. Saran whether the school leaving certificate No. 120 dated 5-1-1938 issued to Shri Bikramaditya Mishra is genuine. In reply to the above, the Head Master under his letter No. 12 dated 3-7-1976 confirmed that Shri Mishra had been student of his school and as per school records his date of birth is 25-1-1922, but in spite of the above confirmation the management continued the wrong date of birth as 15-3-1919 as assessed by the medical officer in his service book.

2. The contention of the management is that Sri Bikramaditya Mishra is on the employment of the Ramgarh Cantonment Board since 29-1-1958. His service book was prepared in the year 1964 but his date of birth could not be entered for want of age proof. In the year 1973, Sri Bikramaditya Mishra alongwith others was called by the Executive Officer of the Cantonment Board and asked to produce the age proof. Since he could not furnish any age proof he was directed to appear before the Medical Officer of the Cantonment Board for the assessment of his age. He appeared before the Medical Officer on 26-3-1973 who assessed him of 54 (fiftyfour) years old and accordingly his date of birth was recorded as 15-3-1919 in his service book. The workman represented on 20-11-1975 alongwith a copy of the school leaving certificate and requested that his date of birth be recorded as 25-1-1922. The management enquired from the Head Master of the concerned school about the genuineness of the certificate and his date of birth. The Head Master of the school confirmed the genuineness and also intimated that as per school records his date of birth is 15-1-1922. But his date of birth could not be changed because he had failed to submit age proof before he was asked to appear before the Medical Officer. On the basis of his date of birth as 15-3-1919 he was to retire on 15-3-1977, but on his request he has been allowed one year extension which will expire on 15-3-1978. If he is medically fit he may be considered for another extension upto 15-3-1979.

3. The workman is in the employment of the Ramgarh Cantonment Board since 29-1-1958 and it is the duty of the management to maintain and keep the service book of their employees up to date. In the present case, the date of birth of Sri Bikramaditya Mishra, Chowkidar, was not recorded in his service book and the proper course of action for the management would have been to write to him to furnish his age proof. But the management could not produce any evidence to show that the workman was ever asked in writing to furnish his date of birth or age proof. The Executive Officer of the Cantonment Board under his letter No. E/1/14/10 dated 6-3-1973 addressed to the Medical Officer of the Cantonment Board intimated him that a large number of employees had not produced documentary proof in respect of their age to be recorded in their service books and he asked the Medical Officer to assess their age and communicate the same to him by 12-3-1973. The copy of this letter was not endorsed to the employees concerned. It appears

that more than 100 employees were examined by the Medical Officer on 26-3-1973 alongwith Sri Bikramaditya Mishra and his age was assessed by the Medical Officer as "54 years". It seems that this was nothing but an ordinary guess by the Medical Officer. On receipt of the representation and copy of school certificate from the workman, the management enquired from the Head Master of the school about the genuineness of the certificate. The Head Master confirmed the genuineness of the certificate and stated that his date of birth as per the records of the school is 25-1-1922. On receipt of the confirmation the management did not take any action probably it did not suit them. In case the management was not to take any action on the representation and had made up their mind to accept the age as assessed by the Medical Officer there was no necessity to enquire about the genuineness of the certificate from the school. Moreover, on 26-3-1973 the Medical Officer assessed the age of the workman as 54 years and on the basis of the same his date of birth was recorded as 15-3-1919 in the service book. How this date viz. 15-3-1919 was arrived at has also not been mentioned.

4. From the above it will be seen that the age of the workman has been assessed by the Medical Officer on the basis of his guess and the same was recorded in his service book. Before the medical examination on 26-3-1973 the workman had taken Life Insurance Policy No. 302802 on 12-7-1972 and his date of birth was recorded as 25-2-1922 in the above insurance policy on the basis of his school certificate. This goes to prove that had the workman been asked to produce age proof, he could have been easily furnished his school leaving certificate as his age proof. But from the records it appears that no such opportunity was given to him. In view of the above I am of the opinion that the action of the Ramgarh Cantonment Board in recording the date of birth of Sri Bikramaditya Mishra, Chowkidar as 15-3-1919 on the basis of the assessment by the Medical Officer of the Cantonment Board is not justified. His date of birth as 25-2-1922 as recorded in his school certificate appears to correct and I award that the same be recorded in his service book. In view of the above I also award that he should not be subjected to retirement on an earlier date on the basis of his date of birth as 15-3-1919 presently recorded in the service book.

Dated : 13-3-1978.

S. B. SINGH, Asstt. Labour Commissioner (Central)
Hazaribagh and Arbitrator.

[No. I-13012(I)/78-D. II(B)]

HARBANS BAHADUR, Desk Officer

नई दिल्ली, 28 मार्च, 1978

कां.आ. 1014.—मैसर्स इलेक्ट्रॉनिक्स कारपोरेशन आफ इंडिया लिमिटेड चारलापाली औद्योगिक विकास क्षेत्र हेबराबाद-500762 (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (क) के अधीन छूट के लिए आवेदन किया है ;

और केन्द्रीय सरकार की राय में अभिदाय की दरों की श्रावत उक्त स्थापन के भविष्य निधि नियम उसके कर्मचारियों के लिए उन नियमों से कम अनुकूल नहीं हैं जो उक्त अधिनियम की धारा 6 में विनिर्दिष्ट हैं, और कर्मचारी कर्मचारी भविष्य निधि की अन्य प्रसुविधायों का भी उपयोग कर रहे हैं जो उन प्रसुविधायों से कम अनुकूल नहीं हैं, जो, उसी प्रकार के किसी अन्य स्थापन के कर्मचारियों के संबंध में, उक्त अधिनियम के अधीन या कर्मचारी भविष्य निधि स्कीम 1952 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उपबंधित है ;

अतः, अब, उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपावद्ध पनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, केन्द्रीय सरकार उक्त स्थापन को उक्त स्कीम के सभी उपबंधों के प्रवर्तन से छूट देती है ।

अनुसूची

1. उक्त स्थापन से सम्बद्ध नियोजक, निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा और प्रत्येक मास के अंत के 15 दिन के भीतर ऐसे निरीक्षण प्रचार का संदाय करेगा जैसा केन्द्रीय सरकार, समय समय पर, कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (3) के खण्ड (क) के अधीन निदेश दे।

2. उक्त स्थापन से सम्बद्ध नियोजक—

(i) भविष्य निधि अभिदायों के विनियान की बाबत उक्त अधिनियम की धारा 17 की उपधारा (3) के खण्ड (क) के अधीन केन्द्रीय सरकार द्वारा समय समय पर जारी किए गए निदेशों का पालन करेगा ;

(ii) यह ध्यान रखने के लिए सम्यक् सावधानी बरतेगा कि उक्त स्थापन की बाबत गठित न्यासी बोर्ड भविष्य निधि अभिदायों का विनियान समय समय पर केन्द्रीय सरकार द्वारा जारी किए गए निदेशों के अनुसार करता है और उक्त न्यासी बोर्ड द्वारा भविष्य निधि अभिदायों के ऐसे विनियान के लिए उत्तरदायी होगा।

3. नियोजक प्रादेशिक भविष्य निधि आयुक्त को ऐसी विवरणियां भेजेगा जसा केन्द्रीय सरकार, समय समय पर निदेश दे।

4. नियोजक प्रत्येक कर्मचारी को वार्षिक लेखा विवरण या पास बुक देगा

5. निधि के प्रशासन, जिसमें लेखाओं का बनाए रखना, लेखाओं और विवरणियों का भेजा जाना, संघर्षों का अन्तरण, निरीक्षण प्रचारों का संदाय आदि सम्मिलित है, में होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

6. नियोजक प्रति वर्ष प्रत्येक सदस्य के खाते में ऐसी दर पर जो न्यासी बोर्ड अधिधारित करे, व्याज जमा कर देगा और ऐसी दर उस दर से कम नहीं होगी जो समय समय पर केन्द्रीय सरकार द्वारा अधिधारित की जाए।

7. नियोजक समुचित सरकार द्वारा यथानुमादित निधि के नियमों की और जब कभी उनमें संशोधित किया जाए उसकी एक प्रति उसकी मुख्य शाखाओं का कर्मचारियों की बहुसंख्या की भाषा में अनुवाद सहित स्थापन के सूचना पट्ट पर संप्रदर्शित करेगा।

8. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि (कानूनी निधि) या छूट प्राप्त किसी अन्य स्थापन की भविष्य निधि का पहले ही से सदस्य है उसके स्थापन में नियोजित होता है तो नियोजक, स्थापन की निधि के सदस्य के रूप में उसका नाम तुरन्त ही दर्ज करेगा और ऐसे कर्मचारी की बाबत उसके पिछले संघर्षों को स्वीकार करेगा और उन्हें उसके खाते में जमा करेगा।

9. यदि उस वर्ग के स्थापनों के लिए, जिसमें नियोजक का स्थापन आता है भविष्य निधि के अभिदायों की दर कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के अधीन बढ़ाई जाती है तो नियोजक भविष्य निधि के अभिदायों की दर समुचित रूप से बढ़ाएगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रसुविधाएं उन प्रसुविधाओं से कम अनुकूल न हो जाएं जिनकी व्यवस्था उक्त अधिनियम के अधीन की गई है।

10. स्थापन अपने भविष्य निधि का संपरीक्षित तुलनपत्र हर वर्ष प्रादेशिक भविष्य निधि आयुक्त को अधिस्त के तीन मास के भीतर भेजेगा।

11. स्थापन के भविष्य निधि नियमों में किसी बात के होते हुए भी, यदि किसी सदस्य को उस स्थापन का कर्मचारी न रह जाने की दशा में देय रकम अथवा किसी अन्य स्थापन को उसका स्थानान्तरण हो

जाने पर और अन्तरणीय रकम जो कि नियोजक और कर्मचारियों के अभिदाय के रूप में तथा उस पर व्याज और उसके अतिरिक्त यह रकम भी, यदि कोई हो, जो पेंशन नियमों के अधीन देय है, कुल मिलाकर यदि उस रकम से कम है जो नियोजक और कर्मचारी के अभिदाय के रूप में तथा उस पर व्याज के रूप में उस दशा में देय होती जब कर्मचारी, कर्मचारी भविष्य निधि स्कीम, 1952 के अधीन भविष्य निधि का सदस्य होता, तो नियोजन इन रकमों के अन्तर के बराबर रकम सदस्य को प्रतिकर के रूप में अथवा विशेष अभिदाय के रूप में संदत्त करेगा।

12. स्थापन के भविष्य निधि नियमों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ने की संभावना है वहां प्रादेशिक भविष्य निधि आयुक्त आग्रह प्रदेन अनुमोदन करने से पूर्व, कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

[सं० एस० 35014/33/77-पी० एफ० II]

एस० एस० सहस्रनामन, उप सचिव

New Delhi, the 28th March, 1978

S.O. 1014.—Whereas Messrs Electronics Corporation of India Limited, Charlapalli, Industrial Development Area, ECIL, Post Office, Hyderabad-500762 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the said Act, and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act, and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), within 15 days from the close of every month.

2. The employer in relation to the said establishment :—

(i) shall comply with the directions issued by the Central Government, from time to time, under clause (a) of sub-section (3) of section 17 of the said Act in regard to the investment of provident fund contributions;

(ii) shall take due care to see that the Board of Trustees constituted in respect of that establishment invest the provident fund contributions in accordance with the direction issued by the Central Government, from time to time, and shall be responsible for such investment of the provident fund contributions by the said Board of Trustees.

3. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, direct.

4. The employer shall furnish to each employee an annual Statement of account or Pass Book.

5. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts

and returns, transfer of accumulations, payment of inspection charges, etc., shall be borne by the employer.

6. The employer shall credit, every year to the account of each member interest at such rates as may be determined by the Board of Trustees and such rate shall not be less than the one determined by the Central Government from time to time.

7. The employer shall display on the notice board of the establishment a copy of the rules of the fund as approved by the appropriate Government and, as and when amended, along with a translation of the salient points thereof in the language of the majority of the employees.

8. Where an employee who is already a member of the Employees' Provident Fund (Statutory Fund) or the provident fund of another exempted establishment is employed in his establishment the employer shall immediately enrol him as a member of the fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.

9. The employer shall enhance the rate of provident fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) so that the benefits under the provident fund scheme of the establishment shall not become less favourable than the benefit provided under the said Act.

10. The establishment shall submit an audited balance sheet of its provident fund every year to the Regional Commissioner within three months of the close of the year.

11. Notwithstanding anything contained in the rules of the provident fund of the establishment if the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment, by way of employer and employees' contribution plus interest thereon taken together with the amount, if any, payable under the Pension Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees' Provident Fund Scheme, 1952, the employer shall pay the difference to the member as compensation or special contribution.

12. No amendment of the rules of the provident fund of the establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interests of the employees, the Regional Provident Fund Commissioner, Andhra Pradesh shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. S. 35014/33/77-PF. 11]

S. S. SAHASRANAMAN, Dy. Secy.

अधिसूची

नई दिल्ली, 23 मार्च, 1978

क्रा०आ० 1015.—इससे उपायद्वय अनुसूची में विनिर्दिष्ट 1975 का औद्योगिक विवाद संख्या 2 श्री एम०यू० शाह, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के समक्ष लम्बित है ;

और श्री एम०यू० शाह की सेवाएं उपलब्ध नहीं हैं ;

अतः, अब, केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 33ख की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एम०यू० शाह, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद से उक्त विवाद से सम्बन्ध कार्यवाहियों को वापस लेती है और उसे उक्त अधिनियम की धारा-7क के अधीन गठित औद्योगिक अधिकरण, अहमदाबाद के पीठासीन

अधिकारी श्री आर०सी० इसरानी को इस निदेश के साथ स्थानान्तरित करती है कि उक्त केन्द्रीय सरकार औद्योगिक अधिकरण और आगे कार्य-वाही उमी प्रक्रम से करेगा जिस पर वह उसे स्थानान्तरित की जाए और विधि के अनुसार उम्मा निपटान करेगा।

अनुसूची

“क्या पंजाब नेशनल बैंक, बम्बई को श्री पी० डी० पटेल, अस्थायी गोदावरी कीपर, हिममतनगर (अब नाडियाड में सिविक एंड गोदावरी कीपर के रूप में कार्य कर रहे हैं) की सेवा को समाप्त करने और उन्हें 18-1-1968 से स्थायी न करने की कारवाही न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुतोष का हकदार है?”

[क्रा० सं० एल-12012/23/75-डी-2(ए)]

MINISTRY OF LABOUR

ORDER

New Delhi, the 23rd March, 1978.

S.O. 1015.—Whereas the industrial dispute No. 2 of 1975 specified in the Schedule hereto annexed is pending before Shri M.U. Shah, Presiding Officer, Central Government Industrial Tribunal, Ahmedabad;

And whereas the services of the said Shri M.U. Shah are no longer available;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33-B of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby withdraws the proceedings in relation to the said dispute from Shri M. U. Shah, Presiding Officer, Central Government Industrial Tribunal, Ahmedabad and transfers the same to Shri R. C. Israni, Presiding Officer, Industrial Tribunal, Ahmedabad constituted under section 7A of the said Act and directs that the said Central Government Industrial Tribunal shall proceed with the same proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

“Whether the action of the management of the Punjab National Bank, Bombay in terminating the services of Shri P. D. Patel temporary Godownkeeper, Himmatnagar (now working as Clerk-cum-Godown Keeper at Nadiad) and denying him confirmation with effect from 18th January, 1968 is justified? If not to what relief is the workman entitled?”

[F. No. L-12012/23/75-D. II. A]

New Delhi, the 27th March, 1978

S.O. 1016.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of M/s. First National City Bank, New Delhi and their workman, which was received by the Central Government on the 8-3-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

I.D. No. 59 of 1977

BETWEEN

Shri Vipin Kumar Sharma,
House No. 63, Village Moti Bagh,
Behind Gurdwara,
New Delhi-110022.

AND

The Resident Vice President,
M/s. First National City Bank,
Parliament Street,
New Delhi-110001.

PRESENT

Shri Vipin Kumar Sharma, in person.
Shri J. K. Mehra, Advocate with Shri V. W. Khanna—
for the Management.

AWARD

The Central Govt. vide its order No. L. 12012/58/74/I.R. III dated the 12th September, 1974 made a reference as appropriate Govt. under section 10 of the I.D. Act, 1947 in the following terms to Industrial Tribunal, Delhi :

"Whether the action of the management of M/s. First National City Bank, New Delhi in terminating the services of Shri Vipin Kumar Sharma, Clerk-cum-Typist, with effect from the 21st March, 1974 is justified ? If not to what relief is he entitled ?"

2. On receipt of reference it was ordered to be registered and notices were issued to the respective parties and a statement of claim was filed on behalf of the workman and a written statement also was filed. Thereafter upon the pleading of the parties the following three issues were framed for trial vide order dated 21-1-1975 by the I.D. Delhi :—

1. Whether the present dispute is a collective dispute and needs espousal ?

2. Whether the end of the services of the applicant was not by termination that only by resjudication and what is its effect ?

3. As in the term of reference.

3. Issues No. 1 was later on modified vide order dated 28-2-1975 in the following term :—

"Whether the present dispute is a collective dispute and needs espousal, if so, whether it has been validly and properly espoused ?

4. Thereafter evidence of the parties was ordered to be recorded and after some evidence of the parties was recorded this case was ordered to be transferred to this Tribunal by the appropriate Govt. and on receipt thereof usual notices were issued to the respective parties. After the parties had appeared before this Tribunal and application for Government of the written statement was filed by the Bank which application was allowed on payment of Rs. 50 as cost vide my order dated 23-9-1977. Thereafter talks for compromise started between the parties and ultimately the parties have settled the matter through a compromise and in pursuance thereof have filed a compromise in the court which is Ex. C/1. I find that the compromise was for the benefit of the workman and in his interest and reasonable. It was ordered to be recorded. In consequence the statements of the parties and their respective counsel were recorded today. In terms of the settlement and the compromise a no dispute award is hereby returned and made in the matter under reference and parties are left to bear their own costs.

Dated : the 6th January, 1978

MAHESH CHANDRA, Presiding Officer
[F. No. L-12012/58/74-I.R. III]

New Delhi, the 28th March, 1978

S.O. 1017.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Ahmedabad in the industrial dispute between the employers in relation to the management of Bank of Baroda Ahmedabad and their workmen, which was received by the Central Government on the 4-3-78.

BEFORE SHRI R. C. ISRANI, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AHMEDABAD.

Reference (IT-C) No. 5 of 1977

ADJUDICATION

BETWEEN

Management of Bank of Baroda, Ahmedabad,

First Party.

AND

The workmen employed under it,

Second Party.

In the matter of termination of services of Shri A. P. Parikh Godown Keeper.

AWARD

This is a reference made by the Government of India to this Tribunal vide the Government of India, Ministry of Labour's Order No. nil dated 23rd November, 1977, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, in respect of the industrial dispute which has arisen between the parties viz. the Management of Bank of Baroda, Ahmedabad and the workmen employed under it.

2. The dispute as it appears from the schedule attached to the original order under which this reference has been made, relates to the demand which is as under :—

"Whether the action of the management of the Bank of Baroda in terminating the services of Shri Anil P. Parikh, Godown Keeper w.e.f. 30-11-73 is justified. If not, to what relief the workman is entitled ?"

3. Before this reference could be heard on its merits and finally decided, it is gratifying to note that the parties have arrived at an amicable settlement. In this connection on behalf of the Bank the Regional Manager has presented the purshis Ex. 4 and the Executive Member of All India Bank of Baroda Employees' Union one Shri K. R. Mehta has presented the purshis Ex. 5. Through these two purshis the parties have indicated that a settlement has been arrived at between the parties and, therefore, the Award be made in this reference in terms of this settlement which is produced at Ex. 6. This settlement is signed on behalf of the Bank by the Regional Manager, Central Region/Ahmedabad, Shri A. P. Dixit. On behalf of the concerned workman as well as the Union, it is signed by Shri K. R. Mehta, Executive of Committee Member of All India Bank of Baroda Employees' Union (N.O.B.W.). It is also witnessed by two persons M/s. Anil P. Parikh and S. G. Thaker, I have examined this settlement and have also scrutinised it against the background of the demand covered by this reference. After such scrutiny, I am of the opinion that the settlement is quite just and fair and it is also in the interest of the concerned workman. There would, therefore, be no difficulty in recording that settlement.

4. (i) It is, therefore, hereby directed that the Award in this reference be made in terms of this settlement Ex. 6 which is appended hereto as Annexure "A".

(ii) The first party to bear its own costs and also to pay the cost of the second party which are quantified at Rs. 100.

Sd/-

R. C. ISRANI, Industrial Tribunal,

Sd/- M. P. Barot
Secretary,

Ahmedabad, 15th February, 1978.

Ex. 6

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT AHMEDABAD

BETWEEN

Employers in relation to the Management of Bank of Baroda (Central Region) Ahmedabad.

AND

Their Workmen

MAY IT PLEASE YOUR HONOUR

Whereas the Central Government of India, Ministry of Labour made a reference of Industrial Dispute for adjudication before the Hon'ble Tribunal and whereas the Union namely All India Bank of Baroda Employees Union (N.O.B.W.) filed its written statement of claim before the Hon'ble Tribunal and whereas negotiations were going on between both the parties mentioned above for early settlement of said Industrial Dispute and the parties have now reached an agreement as follows :

TERMS OF SETTLEMENT

(1) The Management of Bank of Baroda, Central Region, Ahmedabad agrees to appoint the employee Shri Anil P. Parikh in the employment of Bank as a Godown-keeper, in the clerical cadre on denovo basis on probation and subject to satisfactory medical examination by the Bank's Doctor and other terms and conditions for such appointments.

(2) It is agreed by the Bank to offer employment on fresh basis as a Godownkeeper with usual probation in the clerical cadre on condition that he will not raise any demand for payment of any kind of arrears of the wages or any other demand for the past period and this will be by way of full and final settlement.

(3) Both the parties to this settlement shall submit separate application before Hon'ble Tribunal requesting the Court to pass an Award on the terms of settlement narrated above.

Representing Workmen	Representing Employer.
Sd/-	Sd/-
(K. R. Mehta)	(A. P. Dixit)
Executive Committee member of	Regional Manager, Bank of
All India Bank of Baroda	Baroda,
Employees Union (N.O.B.W)	Central Region, Ahmedabad.

Witness:

- (1) Mr. Anil P. Parikh.
(2) Mr. S. G. Thaker.

R. C. ISRANI, Industrial Tribunal
[F. No. L-12012/203/76-D. II. A.]

S.O. 1018.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of M/s. First National City Bank, New Delhi and their workmen, which was received by the Central Government on the 8th March, 1978.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM—LABOUR COURT, NEW DELHI

I.D. No. 60 of 1977

BETWEEN

Shri Sukh Lal Balai, Workman, N.D.M.C. 1490, Mazdoot Colony, Behind Garhwal Bhawan, Panchkuin Road, New Delhi-110001.

AND

The Resident Vice President, M/s. First National City Bank, Parliament Street, New Delhi-110001.

PRESENT :

Shri Sukh Lal Balai—in person.
Shri J. K. Mehra, Advocate with Shri V. W. Khanna—for the Management.

AWARD

The Central Government vide its order No. I. 12012/59/74-LR/III dated the 19th August, 1974 made a reference as appropriate Government under section 10 of the I.D. Act, 1947 in the following terms to Industrial Tribunal, Delhi.

‘Whether the action of the Management of M/s. First National City Bank, New Delhi in terminating the services of Shri Sukh Lal Balai, Special Assistant with effect from the 22nd March, 1974, is justified? If not, to what relief is he entitled?’

2. On receipt of the reference it was ordered to be registered and notices were issued to the respective parties and a statement of claim was filed on behalf of the workman and a written statement also was filed. Thereafter upon the pleadings of the parties the following three issues were framed for trial, vide order dated 21st January, 1975 by I. T. Delhi :

- Whether the present dispute is a collective dispute and needs espousal?
- Whether the end of the services of the applicant was not by termination that only by resjudication and what is its effect?

3 As in the term of reference.

3 Issue No. 1 was later on modified vide order dated 28th February, 1975 in the following term :

‘Whether the present dispute is a collective dispute and needs espousal, if so, whether it has been validly and properly espoused?’

4 Thereafter evidence of the parties was ordered to be recorded and after some evidence of the parties was recorded this case was ordered to be transferred to this Tribunal by the appropriate Government and on receipt thereof usual notices were issued to the respective parties. After the parties had appeared before this Tribunal an application for amendment of the written statement was filed by the Bank which application was allowed on payment of Rs. 50 as cost vide my order dated 23rd September, 1977. Thereafter talks for compromise started between the parties and ultimately the parties have settled the matter through a compromise and in pursuance thereof have filed a compromise in the court which is Ex. C/1. I find that the compromise was for the benefit of the workman and in his interest and reasonable. It was ordered to be recorded. In consequence the statements of the parties and their respective counsel were recorded today. In terms of the settlement and the compromise a no dispute award is hereby returned and made in the matter under reference and parties are left to bear their own costs.

Dated the 6th January, 1978.

MAHESH CHANDRA, Presiding Officer
[F. No. L-12012/59/74-I R III]

S.O. 1019.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Jaipur in the industrial dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on the 2nd March, 1978.

CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR

Case No. C.I.T. 14 of 1975

PRESENT :

Shri S. S. Byas.

REFERENCE :

Government of India, Ministry of Labour, Notification No. L-12012/128/75/DII/A dated 13th November, 1975.

Inn the matter of an Industrial Dispute

BETWEEN

The Central Bank of India

AND

The All India Central Bank Staff Federation, 91, Sarai Nazar Ali, Gaziabad (U.P.).

APPEARANCE :

For the Union—Shri Tarachand Gupta.

For the Bank—Shri D. N. Sharma.

Date of Award : 22nd February, 1978

AWARD

By its notification cited above, the Central Government has referred the following Industrial Dispute to this Tribunal for adjudication :—

‘Whether the action of the management of the Central Bank of India in extending the period of probation of Shri R. C. Khanna, the then Sub-Accountant in Kuchaman City Branch of the said Bank with effect from the 6th August, 1970 and subsequently reverting him to his substantive post with effect from the 2nd February, 1971 is justified? If not, to what relief is the said workman entitled?’

As the terms of reference reveal, the dispute is between the Central Bank of India and, their employee Shri R. C. Khanna. It is in respect of the reversion of Shri Khanna to his substantive post. The workman's cause was sponsored and

espoused by the All India Central Bank Staff Federation, hereinafter to be referred as the union. The case set up by the union is short and simple and succinctly stated, it is as follows.

Shri R. C. Khanna, the concerned workman in dispute, hereinafter mentioned as the workman or employee, was recruited as clerk in the Central Bank of India somewhere in 1953. Since then, he was working to the complete satisfaction of his superiors with no complaints against him. In recognition of his meritorious services he was selected by the management of the Bank for promotion to the post of Junior Officer. He was offered some specific terms and conditions in regard to the promotion, which he accepted. Consequently, he was promoted to the post of Junior Officer on one year's probation by the management of the Bank on 2nd August, 1969 and was posted at Kuchaman City Branch. The workman joined there on 6th August, 1969. While he was working at Kuchaman as junior officer, he was delivered a memo. (Ex. W2) on 2nd July, 1970 relating to his drawing of Rs. 46.95 p. from the Bank's Kuchaman Branch in excess of the amount sanctioned as loan to him. He was required to submit his explanation and also to show cause as to why disciplinary action should not be taken against him. He filed his reply and explanation. No disciplinary action was however taken but by order dated 3rd August, 1970 Ex. W3, his probation period was extended by another six months. In Ex. W3, one more irregularity alleged to have been committed by him (Shri Khanna) was taken into consideration. It related to the grant of a loan to a customer in excess of the sanctioned limit. On 2nd February, 1971, the management issued order Ex. W4 reverting Shri Khanna to his substantive post of the clerk. Order Ex. W4 inter-alia mentioned that he was found non-cooperative and slow and that he had not cleared his indebtedness. This impugned order of the Bank is the subject matter of the dispute. It was alleged that the action of the bank in making the demotion or reversion of Shri Khanna was illegal and unjustified. The action, being penal and punitive, could be taken only after holding a proper enquiry against the workman. No such enquiry was conducted. The impugned action of the bank has resulted in a pecuniary loss to the workman. The reliefs claimed are—

- (1) Shri Khanna should be deemed as confirmed on the post of Sub-Accountant (substituted in place of Junior Officer in 1970) w.e.f. 6th August, 1970.
- (2) His seniority in the officers' cadre be reckoned w.e.f. 6th August, 1969, and
- (3) Payment of difference between the emoluments which he would have drawn as an officer and those drawn by him as clerk from the date of his reversion i.e. 2nd February, 1971.

The claim of the union was resisted by the management of the Bank. It was admitted by the management of the Bank in their statement of defence that Shri Khanna was recruited as clerk in 1953 and was promoted in due course on 6th August, 1969 to the post of Sub-Accountant (Junior Officer) on one year's probation. It was also admitted that memo. Ex. W2 was issued to the workman on 2nd July, 1970 and his probation was extended by six months by the management by their order Ex. W3. It was also admitted that Shri Khanna was reverted to his substantive post of clerk on 2nd February, 1971 by the management by their order Ex. W4. It was denied that the order of reversion was illegal or unjustified. The allegations made against Shri Khanna were substantially true and he admitted the lapses on his part in his letter dated 21st July, 1972. Since the allegations made against Shri Khanna were correct, there was no necessity of conducting any enquiry against him before making his reversion. It was submitted that Shri Khanna had no substantive right to the post on which he was promoted as a probationer. Since he was not found efficient as Sub-Accountant, he was reverted to his substantive post in the clerical cadre. This reversion was not by way of any punishment. It was the case of a simple reversion. Since the reversion was not punitive or penal in nature, Shri Khanna could have no grievance against it. In the end, it was submitted that Shri Khanna was not entitled to reliefs prayed by him.

In view of the rival contentions of the parties, the following questions arise for decision—

- (1) Whether the impugned order is punitive in character? and

(2) If so, whether it is bad and illegal?

Both the parties have filed oral and documentary evidence before me. The genuineness of the documents has not been challenged by the parties. In fact most of the documents filed by the parties are common. My findings on the questions mentioned above are recorded as under :—

Re. 1— Whether the impugned order of revision is punitive?

The impugned order reverting the workman is Ex. W4 dated 2-2-1971. Learned counsel appearing for the bank contended vehemently that it was an order of simple reversion not resulting in any penal consequences for the workman. It was on the other hand contended by the workman that order Ex. W4 on its very face reveals that it is punitive and penal in nature. I have taken the respective contentions into consideration.

Now, it is well established by a consensus of judicial opinion that form of an order is not conclusive to determine its true nature. The form may camouflage an order of reversion for misconduct etc. It is, therefore, always open to the Court to go behind the form and ascertain the true character of the order. An order innocuous on face, may on judicial scrutiny, turn out to be a cloak for penal or punitive action.

I have carefully examined the contents of the impugned order Ex. W4. In my opinion, this order is not an order of simple reversion. It has been clearly mentioned therein in Ex. W4 that Shri Khanna was found non-cooperative and slow. It was further mentioned therein that he had not cleared his indebtedness so far. The order further reads that in the circumstances mentioned in Ex. W4, Shri Khanna was reverted to his substantive post in the clerical cadre. Such an order of the nature of Ex. W4 cannot be called innocuous.

Exhibit W4 will have to be read along with the surrounding circumstances in which it was passed. The workman was issued memo Ex. W2 on 2-7-1970. It was mentioned therein that he had committed an unauthorised action in operating his consumer loan account. He drew more amount from his loan account than that sanctioned by the management. His explanation was demanded in respect of this irregularity committed by him. He was also asked to submit his reply and show cause as to why disciplinary action should not be taken against him.

Ex. W3 dated 3-8-1970 is an order by which the probation period of Shri Khanna was extended further by six months. In this order also it was mentioned that he had drawn more amount as loan than that sanctioned to him. There is one more irregularity mentioned in Ex. W3, which was alleged to have been committed by Shri Khanna. That irregularity is in respect of granting a loan to a customer in excess of the sanctioned limit.

It is thus clear from Ex. W2 and Ex. W3 that Shri Khanna was guilty of committing some grave irregularities and those irregularities were not condoned by the management. It was in this back ground that his period of one year's probation was extended. It was again with this back ground that Shri Khanna was reverted to his substantive post in the clerical cadre.

In view of these circumstances and in view of the language used in Ex. W4, it cannot be maintained that the impugned order (Ex. W4) reverting Shri Khanna is innocuous. A mere glance on Ex. W4 is sufficient to show that it is penal and punitive in nature. I, therefore, hold that the impugned order is punitive in character.

Re. 2—Whether the order of reversion is bad and illegal?

Admittedly, no enquiry was conducted against the workman Shri Khanna before making his reversion from a higher post to that of his substantive in clerical cadre. The stand taken by the management in dispensing with the necessity of enquiry, is two-fold. The first is that it is a case of simple reversion. The second is that the allegations of misconduct were admitted by Shri Khanna in his reply, Ex. M3 dated 21-7-1972.

I have held above in Re. 1 that the order of reversion is not an order of simple reversion. The first stand taken by the management thus holds no ground.

On close examination, the second ground taken by the management also crumbles down. The impugned reversion order Ex. W4 was passed on 2-2-1971. Ex. M3 was addressed by Shri Khanna, to the management long after on 21-7-1972. The enquiry for reversion should have been conducted before the order of reversion was passed, but it was not conducted. Letter Ex. M3 addressed by the workman, therefore, helps the management in no way. When there was an enquiry to be conducted Ex. M3 was not even in existence. The management, therefore, cannot seek shelter under Ex. M3 in order to justify their actions for not conducting the enquiry.

It has been repeatedly held that if the reversion is made by way of punishment, then the workman, even though temporarily officiating in the post is entitled to show cause notice before such reversion is made. Instead of making a reference to a heap of case law on this point, I shall be content by merely quoting the two recent authorities of the Hon'ble Supreme Court. They are (1) State of U. P. and others Vs. Sughar Singh A.I.R. 1974, Supreme Court 423 and (2) The Regional Manager Vs. Pawan Kumar A.I.R. 1976 SC 1766. It was held in Sughar Singh's case that even a reversion from a higher but temporary or officiating rank to a lower substantive rank is in a sense reduction. The same view was re-affirmed in the case of Pawan Kumar.

In the instant case in my hand, no enquiry was conducted by the management before making the reversion of Shri Khanna. The stand taken by the management for dispensing with the necessity of holding an enquiry has no legs to stand. The reversion of Shri Khanna should not have been made without conducting an enquiry against him or without hearing him in this regard. The impugned order of reversion cannot be, therefore, maintained.

For reasons discussed above, my conclusions are—

The reversion of Shri R. C. Khanna from the post of Sub-Accountant to his substantive post of clerk w.e.f. 2-2-1971 is illegal and unjustified because it is punitive in character and was made without hearing him. He will, therefore, be deemed to have continued on the post of Sub-Accountant since 2-2-1971. This award of mine shall not be taken to bestow any right of permanency on Shri R. C. Khanna for the post of Sub-Accountant. It is made clear that it will be open to the Bank Management to revert Shri R. C. Khanna after following the due procedure discussed at length above in my decision.

The action of extending the period of promotion of Shri R. C. Khanna is neither illegal nor unjustified.

I make my award accordingly.

The award be submitted to the Central Government for publication as required by law.

S. S. BYAS, Judge
Central Industrial Tribunal, Jaipur
[F. No. L-12012/128/75-D.II.A.]

S.O. 1020.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Ahmedabad in the industrial dispute between the employers in relation to the management of Bank of Baroda Ahmedabad and their workman, which was received by the Central Government on the 22-3-78.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL) AT
AHMEDABAD

Reference (IT-C) No. 2 of 1978

ADJUDICATION :

BETWEEN

The Management of the Bank of Baroda, Ahmedabad.

AND

The Workmen employed under it.

In the matter of terminating the services of Shri A. P. Parikh, Godownkeeper, Kapadwanj Branch of the Bank.

AWARD

This is a reference made by the Govt. of India to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (Vide the Govt. of India, Ministry of Labour's Order No. F. No. L-12012/203/76-D.II.A., dated 3rd March, 1978), in respect of an industrial dispute which has arisen between the parties, viz., the management of the Bank of Baroda, Ahmedabad, and the workmen, employed under it.

The dispute, as it appears from the schedule attached to the original order under which this reference has been made, relates to the demand, which is as under :

"Whether the action of the management of the Bank of Baroda in terminating the services of Shri Anil P. Parikh, Godownkeeper, Kapadwanj Branch of the Bank with effect from 30-11-1973 is justified? If not to what relief is the workman entitled?"

Before this reference could be heard on its merits and finally decided, on behalf of the union representing the concerned workman, the pursis (Ex. 2), has been filed, through which it is stated that the dispute covered by this reference, was already covered by the Reference (ITC) No. 5 of 1977, in which a settlement was arrived at between the parties, and on the basis of that settlement, the award has also been made. It is further stated that perhaps through mistake, this reference has been made again in respect of the same demand, when in fact, no such dispute survives at present, after the final disposal of Reference (ITC) No. 5 of 1977. It is, therefore, prayed on behalf of the union that this reference may be disposed of.

Since the industrial dispute covered by this reference has already been adjudicated upon in Reference (ITC) No. 5 of 1977, the present reference has become infructuous and is, therefore, directed to be rejected, with no order as to costs.

Sd/-

R. C. ISRANI, Presiding Officer

Ahmedabad, the 15th March, 1978.

[F. No. L-12012/203/76-D.II.A.]

New Delhi, the 31st March, 1978

S.O. 1021.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of State Bank of India Region V and their workmen, which was received by the Central Government on the 8-3-78.

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
NEW DELHI

BETWEEN

The General Secretary, State Bank Staff Association,
33, Bank Enclave, Ring Road, Rajouri Garden,
New Delhi (Regarding Shri Mam Chand).

AND

The Regional Manager, Region IV, State Bank of India,
Parliament Street, New Delhi.

PRESENT :

Shri J. N. Kupur—for the Union.

Shri S. Mishra—for the Management.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L. 12012/121/75/DII/A dated the 10th November, 1975 made a reference u/s 10 of the Industrial Dispute Act, 1947 to Industrial Tribunal, Delhi in the following terms :

Whether Shri Mam Chand, Ex-temporary Cashier, State Bank of India, Region V, New Delhi is entitled to absorption in the permanent employment of the said Bank? If so, from what date and to what other relief is the said workman entitled?

2. On receipt of the reference the same was registered and notices were ordered to be issued to the parties for 19th January, 1976. On the 29th January, 1976 statement of claim was filed and written statement was filed on the 27th February, 1976 and following issue was framed for trial by the Industrial Tribunal, Delhi in the case:

Issue:

As in the term of reference ?

3. Thereafter evidence of parties was recorded and having recorded the evidence of the parties the case was adjourned for arguments. It was at that stage that this case was ordered to be transferred by the Central Govt. as appropriate Govt. vide its Order No. 1, 12025(21)/76 D. I(A)/D. 4(B) dated the 2nd August, 1977 to this Tribunal for disposal and it is in these circumstances that this case has come up for disposal before this Tribunal.

4. I have gone through the evidence produced by the parties as also the file and have heard arguments on behalf of the Union as also the Bank-Management and have given my considered thought to the matter before me, I have come to the following findings:

5. The contention of the workman is that he had worked the Bank as temporary Cashier against a permanent vacancy upto 6th September, 1971 with certain artificial and illegal practices and his services were terminated at the close of business on 6th September, 1971 without assigning any reason and the termination was illegal, unjustified and in contravention of Bank's rules and also without any notice; that there were large number of permanent vacancies of cashiers and clerks with the Bank and the workman Mam Chand was called to appear in a test held on 28th March, 1971 for permanent absorption in the Bank in which he passed in the written test but when he was called to appear before a Interview Board he was not selected for permanent appointment and on enquiry he gathered that he was failed in the interview. Whereafter the matter was taken up with the Asstt. Labour Commissioner (Central), Chandigarh and finally this reference was made. It is also contended by the workman that during the pendency of matter before the Asstt. Labour Commissioner (Central), Chandigarh the Bank Management decided to absorb all temporary employees permanently who had put in more than 245 days temporary service in the Bank by holding a simple test exclusively for such employees after relaxation of age upto 30 years vide Personal Department letter dated the 20th October, 1973 and this test was held at different centres but as large number of temporary employees failed in the test the Management re-considered the matter and decided to hold exclusively another test for these failed temporary employees on 20th January, 1974 at New Delhi in which about 200 employees appeared and almost all were absorbed without exception but Shri Mam Chand, the workman in the instant case though eligible to appear in this simple test could not appear as the Branch Manager, Naraingarh instructed him through a letter to report for examination at State Bank of India, Ambala Cantt. on 20th January, 1974 at 10.00 A.M. whereas in fact the examination was held only at New Delhi. With the result that Shri Mam Chand could not appear. Thus the workman in the instant case would have been permanently absorbed if the Bank had not acted mala fide and the principle of last come first go was not adopted in the retrenchment of the present workman and it has been prayed that it should be held that the action of the Bank in terminating the services of Shri Mam Chand was arbitrary, mala fide and an act of unfair practice and victimisation and the action of the Management in ignoring rightful claim of Mam Chand for permanent appointment in the Bank by giving him lesser marks for length of service and qualification was arbitrary and the action of the Management for not permitting to appear in the liberal recruitment test held at New Delhi on 20-1-1974 was mala fide and that Shri Mam Chand should be considered having passed the liberal recruitment test and be absorbed as a permanent employee and also that Bank be directed to pay him full wages from 7-9-1971 together with all benefits including seniority and the monetary value of the amenities to whom he would have been entitled if he had been continued in the job.

6. The Management has contested the claim of the workman inter-alia on the ground that the appointment of temporary staff is recognised by the Shastri Award under para 508 but they were not automatically entitled to be absorbed in permanent capacity rather were to be given opportunity

to get themselves permanently absorbed after sitting for tests and in the instant case the workman no doubt had continued in employment from 3-12-1970 to 6-9-1971 with periodical breaks but he had failed to qualify in the examination held for the purpose and consequently was not entitled to be permanently absorbed. It is further contended by the Bank that the workman in the instant case was called to appear for a written test held at Ambala Cantt. on 28th March, 1971 and he qualified in the test but he was not appointed in the Bank as he failed to qualify in the interview. It is further submitted by the Bank that he was given 4 marks at the time of interview for the temporary service rendered by him and in this behalf it is stated by the Bank that these marks were awarded to the candidates at the time of interview for temporary service put in by them on certain definite basis and that was that four marks for service for less than six months and six marks for service less than nine months and Shri Mam Chand was given four marks at the time of interview in view of the fact that he was entitled to only four marks but even assuming that he were given six marks rather than four, it would not have materially altered the position in favour of the workman since that would have made his total marks in the interview as 15 and total marks in the written test—interview as 50 and in this matter he would have been placed at serial No. 108 to 110 in the merit list (he would have been bracketed with two other candidates who had got 50 marks) but only 75 candidates were offered appointment in consequence of that test while the waiting list of remaining candidates expired after three months and therefore also workman would not have been entitled to permanent appointment in the Bank. Regarding the claim of the workman to appear in the test held on 20th January, 1974 it is submitted by the Bank that age limit was relaxed to be 30 years only in case of those employees whose temporary services were terminated after the 1st January, 1972 and Shri Mam Chand was not therefore eligible to appear in the test and consequently the claim of the workman on that count is also not sustainable and mere fact that the Local Manager of the Bank had directed him to appear for test at Ambala Cantt. would not effect the position of the Bank and the Bank would not be estopped from bringing out the real position at this stage. It is finally submitted by the Bank that the workman was not entitled to any notice in accordance with para 522(4) read with para 524(1) of Shastri Award. Lastly it is submitted by the Bank that the workman was not entitled to permanent absorption or to any other benefit in this case.

7. In order to prove his contention the workman has himself appeared as W.W. 1 and has produced on record Ex. W-1, to Ex. W-3 and has proved certain letters in cross-examination. The Bank on the other hand has examined only M.W. 1 Shri S. J. S. Chatrath, an Officer of the State Bank of India who has also proved documents Ex. M-1 to M-6.

8. It is admitted by the Bank in para 10 of its reply that the workman Shri Mam Chand had in all put in 269 days of service during the period 3rd December, 1970 to 6th September, 1971. It is admitted by the Bank that at the first stretch the workman worked with the Bank for the period 3rd December, 1970 to 19th February, 1971 and on the second stretch for the period 24th February, 1971 to 24th April, 1971 and in the third stretch for the period 28th April, 1971 to 19th July, 1971 and in the fourth stretch for the period 22nd July, 1971 to 6th September, 1971, thus making a total of 269 days. The first appointment date of the workman is admitted the 3rd December, 1970, the second dated 24th February, 1971, the third dated 28th April, 1971 and the fourth dated 22nd July, 1971. When I perused the interview sheet which is Ex. W-4 on the file I find that this workman was declared to have failed at the interview held between 14th June, 1971 to 17th June, 1971 in consequence of written test held on 28th March, 1971. The workman had secured 13 marks in all but was given four marks out of 10 marks for past experience in the Bank as against six marks which he was entitled in accordance with circular letter Ex. W-3. Since from December, 1970 to 17th June, 1971 he could be deemed to have been put in more than six months service but less than 9 months service. Assuming for the sake of arguments that the workman were given six marks in place of four marks he would have thus secured 15 marks in the interview and his over-all position after including the 35 marks of written test would be that he would have secured 50 marks in all. This would establish the contention of the Bank that in such a situation he would have secured a position between serial No. 108 to 110 in accordance with the consolidated merit list and in so far as only 75 candidates were offered appointments out of the said

merit list and the waiting list in respect of the remaining candidates had expired after three months of the declaration of the result, the workman would not have been eligible for permanent absorption or appointment in the Bank. No doubt the workman would have even declared successful but as long as only 75 persons were to be appointed out of the said examination result the fact would have remained that the workman in the instant case could not have been held to be entitled to permanent appointment in the Bank. That being so the claim of the workman on this count does not stand sustained.

9. Regarding the arguments of representative of the workman that he was not given any marks for his academic qualifications my attention has been drawn again to Ex. W-4, the mark sheet of the interview. From the perusal whereof I find that this workman was B.A. of third Division and in that even in accordance with the memorandum No. 27 of 1964 conv. Ex. W-2 this workman would have been entitled to six marks on that account. But the perusal of Ex. W-4 shows that for that matter no candidate was given any marks for academic qualifications and if Shri Mam Chand in the instant case had been given six marks his total marks would have been 56, still much less than the marks obtained by the 75th successful candidate who according to the photostat copy of the list at page 195 to 203 of the file secured 62 marks without including any marks for academic qualifications. Thus this workman would have been neither here nor there in the successful candidates who were finally appointed in consequence of this test and over all re-consideration of the position of Shri Mam Chand in consequence of the test held in the year 1971 does not go to warrant that he could have been appointed permanently or substantially in the Bank.

10. Coming to the next question regarding mis-direction of the workman in the matter of appearing in the test held on 20th January, 1974 I need say that it was incumbent upon the workman to show that he was entitled to take the test held on 20th January, 1974. Admittedly according to the workman himself the said test was limited to temporary employees in the Bank and in the absence of anything to the contrary it would have to be presumed that those temporary employees of the Bank who were in service on the date of the test would be entitled to appear in the test. Certainly this workman was not in the temporary employment of the Bank in 1973 or 1974. His services had been terminated as early as 6th September, 1971 and therefore the workman has failed to establish that he was at all entitled to take the test. Mere fact that he has proved on record Ex. W-1 purporting to be the original letter issued to him to appear in the test at Ambala Cantt would not establish that he had any right to take the test and until such right is established it cannot be gone into in this reference. The contention of the Bank in this behalf is that since the workman was not in the temporary employment of the Bank he was not entitled to take this test. The contention of the Bank in this behalf is categorical in para 14 of the written statement. It has rather been specifically stated by the Bank that Shri Mam Chand was not eligible to appear in the test held on 20th January, 1974 as he was over age. It is further stated therein that Shri Mam Chand did not work in temporary capacity after 6th September, 1971 he was not eligible for this relaxation until the workman had established that he was entitled to take the test. Ex. W-1 letter would not in any manner help the workman and consequently it cannot be held that the workman had any right what-so-ever to take the test held on 20th January, 1974 for absorption of temporary employees.

12. The only other point which has been somewhat half heartedly urged before me by the representative of the workman is that even though this workman had put in more than 240 days of service he had not been paid any retrenchment compensation and notice and therefore the termination of his services was illegal. The Id. counsel for the Bank has submitted that when Section 25-F is read with Section 25-B it would follow that before a workman can be considered to have completed one year of continuous service in an industry it must be shown first that he has been employed for a period of not less than 12 calendar months and next that during those 12 calendar months he has worked for not less than 240 days and where the workman has not at all been employed for a period of 12 calendar months, the question whether the actual days of work numbered 240 or more does not arise. It is also urged that the requirement of Section 25-B would not be satisfied by the mere fact that the

number of actual working days was not less than 240 days. According to the reading of Section 25-F read with Section 25-B it does appear that certainly one year of completed service is essential requirement to the claim founded under Section 25-F read with Section 25-B. Thus where a particular workman has been in employment for less than one year say for 11 months or 10 months the requirement of Section 25-F read with Section 25-B cannot be deemed to have been satisfied, even though he may have in all put in 240 days of service during this period short of 12 months. It is not as if one ingredient is satisfied that the provisions of Section 25-F would come into operation. What is required is that in the first instance the workman should have been in employment for a period of full 12 months and then in addition thereto he ought to have worked for a period of at least 240 days in the year to entitle him to the benefit of Section 25-F such is the purport of observation of the Supreme Court in *Sur Enamel and Stamping Works Limited Versus their workmen* (1963-2-LJ-367). Mere fact that this decision was on the consideration of old Section 2(eee) read with Section 25-B would not make much of a difference because purport of section 25-F read with Section 25-B is almost identical. Both these sections required that there must be a period of service extending over 12 months and it is during that period that 240 days minimum should have been actually worked. It may be mentioned here that the words 'no workman employed in any industry who has been in continuous service for not less than one year under the employer', are very important. These words make it incumbent upon the workman that he should have been in continuous service for not less than one year i.e. 12 months. The deeming clause in section 25-F does not restrain the operation of these words of Section 25-F so as to extend the benefit of Section 25-F to those workmen as well who have not been in actual service for a period of one year or 12 months irrespective of the fact that they might have put in 240 days or more of actual service. The authorised representative of the workman has not been able to draw my attention to any ruling to the contrary.

13. For the purpose of Section 25-F no notice is required if retrenchment is under the agreement which specifies a date for the termination of the service. It is not denied by the workman that certainly on each occasion the date was specifically mentioned in the appointment letter. Reference in this behalf may be made to Ex. M-2, Ex. M-3, Ex. M-4 and Ex. M-5. Ex. M-5 is the last letter of appointment which does say that Shri Mam Chand was appointed as a temporary cashier for a period of 47 days w.e.f. 22nd July, 1971 and thus it cannot be said that the workman was entitled to any notice in the instant case. Notice would be inherent in the letter of appointment Ex. M-5 itself.

14. No other point has been urged before me.

15. From whichever angle I may consider this matter I have come to the conclusion that Shri Mam Chand, ex. temporary cashier of State Bank of India, Region V, New Delhi is not entitled to absorption in the permanent employment of the Bank and consequently I further hold that he is not entitled to any relief what-so-ever in this matter and it is awarded accordingly.

Dated : the 25th January, 1978.

MAHESH CHANDRA, Presiding Officer
[F. No. L-12012/121/75-D.II.A.]

New Delhi, the 1st April, 1978

S.O. 1022.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Bank of Rajasthan Limited, Jaipur and their workmen.

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT

NEW DELHI

I.D. No. 129 of 1977

In re :

The President, Delhi State Bank Workers Organisation,
898, Nai Sarak, Chandni Chowk, Delhi-6 (Regarding
Hira Singh).

AND

The General Manager, The Bank of Rajasthan Ltd.,
Johri Bazar, Jaipur.

PRESENT :

Shri C. L. Bhardwaj—for the Union.
Shri O. P. Vyas—for the Bank.

AWARD

The Central Government as appropriate Government vide its order No. L. 12012/33/75/DII/A dated the 9th April, 1975 made a reference u/s 10 of the Industrial Disputes Act to Industrial Tribunal, Delhi in the following terms:

"Is the Management of the Bank of Rajasthan Limited justified in denying permanent appointment to Shri Hira Singh, an ex-temporary peon of the Fatehpuri Branch of the said Bank? If not, to what relief is he entitled and from what date?"

2. On receipt of the reference usual notices were issued to the parties and a statement of claim was filed by the union. A written statement was filed by the Bank and following issues were framed for trial :

1. Whether there is a proper and valid espousal of the cause in this case.

2. As in the term of reference.

3. Thereafter parties evidence was ordered to be recorded and was in fact recorded. In the meanwhile this case was ordered to be transferred to this Tribunal by the appropriate Government and it was fixed for evidence of the parties but then a request was made by the representative of the workman for adjournment in as much as the compromise talks had started between the parties and finally an application was filed on the 28th January, 1978 by Shri C. L. Bhardwaj seeking permission to withdraw the case. His statement in pursuance of the said application was recorded in which he stated 'in so far as the Bank is prepared to appoint the workman afresh, this matter may be determined as a no dispute matter'. It is in these circumstances that this matter has come up for disposal before this Tribunal.

4. In view of the statement of the representative of the workman and the union I am constrained to return a no dispute award in this case and parties are left to bear their own costs.

MAHESH CHANDRA, Presiding Officer

[F. No. L-12012/33/75-D.II.A.]

Dated : the 31st January, 1978

S.O. 1023.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal New Delhi in the industrial dispute between the employers in relation to the Punjab National Bank Chandigarh Region and their workmen

BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LC, NEW DELHI

I.D. No. 179 of 1977

BETWEEN

The General Secretary, Punjab National Bank Employees' Union, Dass Market, Railway Road, Rohtak,

AND

The Regional Manager, Punjab National Bank, Sector-17, Chandigarh.

PRESENT :

None—for workman.
Shri K. K. Gupta—for the Bank.

AWARD

The Central Government vide order No. L-12012/182/75/DII/A dated the 8th September, 1975 referred an Industrial Dispute to Industrial Tribunal, Chandigarh in the following terms :

"Whether the action of the management of the Punjab National Bank, Chandigarh Region is justified in denying Shri Subhash Chand, subordinate staff, to

work as Daftri at the Kathmandi Branch of the said Bank and in transferring him to Railway Road, Rohtak Branch of the said Bank in January, 1975? If not to what relief is the said workman entitled?"

2. After usual notices were sent to the parties a statement of claim was filed on behalf of the union and a written statement was filed on behalf of the management Bank. The union filed a rejoinder also before the Industrial Tribunal, Chandigarh. Thereafter following issues were framed by the Industrial Tribunal, Chandigarh in this case :

1. Whether Shri Subhas Chand, a member of the subordinate staff (peon) was entitled to be promoted as Daftri at Kathmandi Branch of the said bank and could he be not transferred by the management from Kathmandi branch of the said bank in Rohtak to Railway Road branch in the same town, in January, 1975?

2. If issue No. 1 is found for the workman and against the management, to what relief is the workman entitled?

3. In the meanwhile the case was transferred by the appropriate Government to Industrial Tribunal, Delhi who fixed the case for evidence. Before any evidence could be recorded by the Industrial Tribunal, Delhi, the case was transferred to this Tribunal for disposal and it is in these circumstances that this case has come up for disposal before this court. On receipt of this case by transfer, the case was ordered to be registered and notices were issued to the respective parties. Shri K. K. Gupta appeared for the Bank but none appeared for the Union or the workman. Instead thereof a letter was received from Shri V. P. Puri, General Secretary of the Punjab National Bank Employees' Union stating therein that they were no longer interested to pursue this case.

4. It is in these circumstances that this case has come up for disposal before this court, and the Bank was directed to produce its evidence and the evidence of the Bank was recorded which consists statement of Shri K. S. Rath, Asst. Manager, Staff Section, Regional Manager's Office, Punjab National Bank, Chandigarh. From the perusal of the statement of M.W. 1 I find that the case of the union cannot stand and must therefore be rejected.

5. It would be equally appropriate at this stage to being out that this is a reference u/s 10 read with Sec. 2(K) of the Industrial Dispute Act and as such is a collective dispute and in view of the fact that the union has twice submitted through letters written by its General Secretary, Shri V. P. Puri that it was no longer interested in the matter under reference, it would follow that the reference should fall on that account itself. This is not a reference u/s 10 read with Section 2(A) of I.D. Act and as such the workman individually cannot have any right to represent him. In view of the letters dated 23-8-1977 and 7-10-1977 of Shri V. P. Puri, General Secretary of Punjab National Bank Employees' Union read with the statement of M.W.1, Shri K. S. Rath and Ex. M.W. 1/1 and Ex. M.W. 1/2 I find that the Management of Punjab National Bank, Chandigarh Region was justified in denying Shri Subhas Chand, subordinate staff to work as daftry at Kathmandi Branch of the said Bank and in transferring him to Railway Road, Rohtak Branch of the said Bank in January, 1975 and that the workman was not entitled to any relief what-so-ever in this reference.

6. Shri K. S. Rath has stated in his statement that a post of Daftry was sanctioned in the year 1974 and for promotion of the Daftry the Bank had its own rules as per Staff Department Circular No. D.R. 10/16085 dated 17-6-65 amended by Staff Department Circular No. D. 10/36270 dated 10-8-1965 according to which seniority of the member of the staff for the purpose of promotion as Daftry was to be taken down as a unit besides other eligibility criteria. It is further stated by him that accordingly the Regional Manager's Office called from all the offices for Rohtak the list of members of the subordinate staff to fill up the vacancy of Daftry at Pay Office, Kathmandi, Rohtak and according to the seniority it was first offered to Shri K. K. Khurana then to Baldev Singh then to Dharam Singh, all of whom refused and thereupon it was offered to next senior most Bal Kishan who accepted and he was as such posted as Daftry at Pay Office Kathmandi, Rohtak and in consequence Shri Subhas Chand having become surplus was transferred to Railway Office, Rohtak in the vacancy caused by promotion of Shri

Bgt. Kishan. Ex. M.W. 1/1 and Ex. M.W. 1/2 are the two staff orders referred to above. From the perusal of all this evidence I have come to the conclusion that Shri Subhas Chand was not entitled to be promoted as Daltry and I further hold that there was nothing wrong in transferring Subhas Chand to the Railway Road, Rohtak Branch. In consequence I have come to the conclusion that the workman is not entitled to any relief in this reference and award is accordingly made and parties are left to bear their own costs.

Dated: 17th January, 1978

MAHESH CHANDRA, Presiding Officer
[F. No. L-12012/102/75-D.I.A.]

S.O. 1024.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Ahmedabad in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen.

**BEFORE SHRI R. C. ISRANI, CENTRAL GOVERNMENT,
INDUSTRIAL TRIBUNAL, AHMEDABAD**

Reference (IT-C) No. 1 of 1978

**ADJUDICATION
BETWEEN**

The Management of Bank of Baroda, Ahmedabad—First Party.

AND

The workmen employed under it—Second Party.

In the matter of terminating the services of Shri J. S. Shah, temporary Peon of Dabhoi Branch.

AWARD

This is a reference made by the Government of India to this Tribunal under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, vide the Government of India, Ministry of Labour's Order No. nil dated 29th December, 1977, in respect of an industrial dispute which has arisen between the parties viz. the Management of Bank of Baroda, Ahmedabad and the workmen employed under it.

2. The dispute as it appears from the schedule attached to the original order under which this reference has been made, relates to the demand which is as under:—

"Whether the management of Bank of Baroda is justified in terminating the services of Shri J. S. Shah, temporary Peon of Dabhoi Branch. If not, to what relief is the said workman entitled?"

3. Before this reference could be heard on its merits and finally decided, on behalf of the All India Bank of Baroda Employees' Union which represents the concerned workman, the Member of the Executive Committee of that Union one Shri K. R. Mehta has given the pursis Ex. 2 dated 22-2-1978. Through this pursis it is stated that the dispute covered by this reference is already covered by a previous reference being Reference (IT-C) No. 4 of 1977 and, therefore, it is not necessary to keep the present reference on file. It is, therefore, urged that the present reference is not pressed by the Union and a request has been made that the necessary orders may be passed disposing of this reference. This pursis Ex. 2 has been shown to the learned representative of the Bank who has put an endorsement that he would have no objection if this reference is disposed of.

4. Since the industrial dispute covered by this reference is already the subject matter of a previous Reference (IT-C) No. 4 of 1977, it will not be necessary to keep the present reference pending on the file of this Tribunal.

5. In view of the above position, this reference is directed to be disposed of with no order as to costs because it is not necessary to adjudicate upon the industrial dispute covered by it, which will be adjudicated upon in Reference (IT-C) No. 4 of 1977. No order as to costs.

R. C. ISRANI, Presiding Officer

M. P. BAROT, Secy.

Ahmedabad, 24th February, 1978.

[F. No. L-12012/173/76-D.I.A.]

S.O. 1025.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore in the industrial dispute between the employers in relation to the management of Canara Bank Corporation Limited, Mangalore and their workmen.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated, 27th February, 1978

Reference No. 5 of 1969 (Central)

I PARTY :

Workmen represented by the General Secretary, Canara Banking Corporation Employees' Union, 1 Floor, Khandelwal Bhavan, 168, Dr. Dadabhai Naoroji Rd., Fort, Bombay.

V.

II PARTY :

The Management of the Canara Banking Corporation Ltd., P.B. No. 88, Mangalore 3, South Kanara.

APPEARANCES :

For the I Party : Sri S. G. Bhagavan, Advocate, Bangalore.

For the II Party : Sri Tukaram S. Pai, Advocate, Bangalore.

REFERENCE :

(Order No. 23/87/69/LRIII, dated 17th December, 1969)

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Canara Banking Corporation, Limited, Mangalore, and their workmen has referred to this Tribunal for adjudication the following point of dispute:—

"Whether the action of the management of Canara Banking Corporation Limited, Mangalore, in dismissing Shri K. Mohandas G. Mallia from the services of the Corporation with effect from 14th March, 1969 (as corrected by the Corrigendum dated 9-1-1970) is justified? If not, to what relief is the workman entitled?"

2. The I Party states as follows:—

K. Mohandas G. Mallia is a permanent employee with 11 years of service and was last attached to the Administrative Office of the Opposite Party at Mangalore. He was also the Executive Committee Member of the Union elected in 1967 and re-elected in 1968. He is also a protected workman and the sole elected representative of the Union in the District of South Kanara. By virtue of his position, Mohandas Mallia was taking leading part in all the activities of the Union and representing to the management the grievances of the employees since he was stationed at the administrative office. The management of the II Party, particularly, K. Ramdas Nayak, the General Manager time and again showed their displeasure and animosity towards the union and hostility and vindictiveness towards the Union Members, in particular, towards Mallia who had played a major role in conducting agitations. As a measure of harassment, Mallia was transferred from one branch to the other in Mangalore and finally, to the Administrative Office on 16-8-1968 with the ulterior motive of victimising him. At the Administrative Office, Mallia was placed from one department to other and was denied the basic amenities needed for a clerk, such as, supply of pen, ink, etc. In connection with these repeated acts of harassment and maltreatment, which no other officer made any effort to redress, Mallia attempted to represent his grievances to the General Manager and accordingly, he went to the General Manager's room at about 3.00 p.m. on 29-8-1968. The General Manager refused to hear the grievance of Mallia and rebuked Mallia in a loud voice and ordered him to leave his room. When Mallia pleaded for a hearing, the General Manager threatened him that he will arrange to physically throw him out. Mallia left the General Manager's room protesting against the treatment. Availing of this opportunity to victimise Mallia, the General Manager issued a memorandum alleging that Mallia intruded into his room and hauled abuses and also threatened the General Manager with physical violence. In his reply,

Mallya denied the charges against him and explained the purpose of approaching him on 29-8-1968. The Board of Directors resolved to suspend Mallya and to hold an Enquiry against him. The Enquiry Officer issued a charge-sheet and called upon Mallya to submit his explanation. By so framing the charges, the Enquiry Officer became *prima facie* an interested party and, therefore, incapable to act fairly and freely. The Enquiry Officer's appointment was specially effected by the Board of Directors and could not conform to the provisions of the Bi-Partite Settlement. Subsequently, an occasion arose when the Union's representative set the Staff Superintendent before the Assistant Labour Commissioner, Mangalore. The Staff Superintendent agreed to adjourn all proceedings against Mallya until the Union's representative meets the General Manager and discusses with the General Manager as to how Industrial Relations has to be maintained. Their meeting with the General Manager fixed for 3-11-1968 could not take place as the General Manager left Mangalore abruptly. The Union requested for an alternative date for a meeting. Without giving any reply and contrary to the understanding, the Enquiry Officer abruptly fixed the Enquiry for 10-12-68. No opportunity or time to submit his explanation was afforded to Mallya. The manner in which the time was fixed for enquiry was such that Mallya's right to be defended by an Union's representative was totally frustrated. When Mallya sought an adjournment of the enquiry as per his letter dated 9-12-68, the same was denied on the pretext that the request was received after the commencement of the enquiry. The ex-parte enquiry thus held against Mohandas Mallya is contrary to the established practice and procedure laid down under the law. The so-called witnesses were biased in favour of the Management. During the ex-parte enquiry, only statements from these witnesses were obtained. The documents were all cooked during the enquiry. On the basis of the fabricated statements by the management's witnesses and without furnishing his findings, the enquiry officer recommended the dismissal of Mallya as per letter dated 14-1-1969. The Enquiry Officer's recommendation was confirmed by the Executive Committee of the Board of Directors. For the several reasons set out in para 20 of the claim statement, the enquiry held against him is invalid and illegal and liable to be set aside. On the dismissal being set aside, Mallya is entitled to be reinstated in service with full wages for the entire period and restoration of continuity of service.

3. The II Party filed a counter statement denying the correctness of the several averments made by the I Party and explaining the circumstances as seen from the correspondence exchanged as to how the enquiry was held. According to the II Party, when the Enquiry Officer commenced the enquiry at 10.00 A.M. on 10-12-1968, neither the employee nor his representative was present. The Enquiry Officer, therefore, commenced the enquiry ex-parte (of which due notice had also been given to the employee in the letter dated the 2nd December, 1968). The Enquiry Officer examined as many as six witnesses and took down the evidence in writing which was completed at 11-30 A.M. There was no cross examination of the witnesses as the employee was absent. It was at about 11.50 A.M. on 10-12-1968 that the Enquiry Officer received a letter dated 9-12-1968 through Registered Post Act. Due, from Mallya saying that the Union's representative has not arrived to defend him at the Enquiry and that, therefore, the Enquiry may be postponed. On the very same day, the Enquiry Officer sent a reply to Mallya explaining how an ex-parte enquiry has been held by the time his letter requesting for adjournment was received and explaining regret for inability to postpone the enquiry. It is not true that Mallya was not given any opportunity to submit his explanation or to defend himself and that there is denial of natural justice. Further, the reference is not maintainable as the I Party does not represent the overwhelming majority of the workmen and has, therefore, no locus standi.

4. By amending the counter statement, the II Party raised an additional objection against the maintainability of the Reference saying that there was no demand by the workmen and refusal by the management. The making of a demand before the Conciliation Officer and the rejection of such demand by the management before the Conciliation Officer is not sufficient to constitute industrial dispute. The reference is, therefore, illegal and liable to be rejected.

5. In addition to the points of dispute scheduled in the Order of Reference, the following issues were framed on 23-10-1970 and additional issues framed on 18-8-1973 as arising for consideration.

"I. Whether the enquiry which preceded the dismissal of Sri Mohandas G. Mallya, has been held in contravention of the rules of natural justice as well as the procedure and the provisions of Bi-partite Settlement/Award?

II. Whether the II Party-Management has illegally and mala fide dismissed Sri Mohandas G. Mallya, as a measure of victimisation for his trade union activities?

III. Whether the Canara Banking Corporation Employees' Union is competent to espouse the cause of the concerned worker, Mohandas G. Mallya?

IV. To what reliefs are the parties entitled?

Additional Issues framed on 18-8-1973.

V. Does II Party-Management prove that the dispute in question is not an industrial dispute and therefore the present reference is bad, invalid and illegal for the reasons stated by them in para 20(a) of their objection statement (additional ground taken by them)?"

6. Though, originally, as seen from the order sheet dated 1-9-1973, when the Counsel appearing for the II Party did not press his request in I.A. No. 1 filed on 20-8-1973 to try both Issue No. 3 and the Additional Issue No. 5 as preliminary Issues, it was ordered that only the Additional Issue No. 5 shall be tried as preliminary Issue and the proceeding, underwent several adjournments on this account, subsequently, on 10-6-1976, as per request of both the sides in a Joint Memo that the documents mentioned therein may be marked by consent, Exts. M. 1 to M. 24 were marked and it was further ordered, after hearing both the sides, that the application may be posted for hearing on the validity of the domestic enquiry. Since then, the proceedings has undergone several adjournments for hearing on the validity of the domestic enquiry and it was the question of the validity of the domestic enquiry that was heard partly on 28-1-1978 and completed in full on 18-2-1978. It would follow from the foregoing that in so far as the Issue No. 3 and Additional Issue No. 5 are concerned, the same are deemed to have been given up, not pressed by the II Party.

7. The questions that now remain for consideration would be the point of dispute scheduled in the Order of Reference and Issues Nos. 1, 2, and 4 and the same will be considered.

8. Three submissions have been made by the Counsel appearing for the I Party in support of his contention that the domestic enquiry held was in violation of the principles of natural justice. The first submission concerns the propriety of the Enquiry Officer in proceeding ex-parte and recording the evidence of the witnesses in the absence of the Opposite Party. It may be stated here that as per the notice Ext. M. 26, the Enquiry Officer informed Mallya, the delinquent against whom the enquiry was to be held, that the enquiry will be held on 10-12-68 at 10-00 A.M. at his office. According to the II Party, when the enquiry was taken up at 10-00 A.M., Mallya was absent and there was no one appearing on behalf of the I Party, either to conduct the case or to postpone the proceedings and that, however, after waiting for about 5 to 10 minutes, the Enquiry Officer proceeded to record the statements of the witnesses, since Ext. M. 26 notice dated 2-12-1968 also stated that if the delinquent fails to present himself at the enquiry, the enquiry will be held ex parte without any further reference to him and this intimation contained sufficient authority for the Enquiry Officer to proceed ex-parte. Thus, during the ex-parte enquiry, as many as 6 witnesses were examined and the proceedings terminated at 11-30 A.M. with a note made by the Enquiry Officer that the delinquent has not turned up till then.

9. What happened thereafter is the following:—

At 11.50 A.M., the Enquiry Officer received Ext. M. 16 letter dated 9-12-1968 sent by the delinquent by the Registered Post from Kinigoly requesting for an adjournment on the ground that the union representative (who was expected to represent him during the enquiry) has not arrived (obviously, from Bombay). On the very same day, as per Ext. M. 17 letter dated 10-12-1968, the enquiry officer informed the delinquent that the enquiry was commenced at the scheduled time and conducted ex-parte as he was absent, that the letter requested for an adjournment was received subsequently and that, therefore adjournment was not possible. The question that falls for consideration is what is the validity of such an enquiry held against the delinquent.

10. It cannot be contended and it is also not been so contended by the I Party that the Enquiry Officer was bound to adjourn the proceedings when he found that the delinquent and his representative were both absent. There is no rule of law which calls upon the Enquiry Officer to adjourn the proceedings automatically when the delinquent or his representative is absent. It is left to the discretion of the Enquiry Officer as to whether the Enquiry is to be proceeded with or adjourned. As to whether the enquiry officer has exercised his discretion in the proper way would depend upon the circumstances of the case. In the present case, it is seen that 8 days' notice with the service of Ext. M. 26 letter on the delinquent on 2-12-1968 had been given to the delinquent. It is not the case of the delinquent even now that the time given to him to get ready and proceed with the enquiry was not sufficient. When there is no representation before him and as many as 6 witnesses, including the General Manager were present, the Enquiry Officer ought to have had some excuse at least for postponement. When there was no such reason, the delinquent having failed to communicate his inability to be present well in advance, the alternative chosen by the Enquiry Officer to proceed with the enquiry *ex parte* cannot be said to be an unreasonable one, not justified under the circumstances.

10A. It has also to be stated that it is not the firm case of the delinquent that the enquiry proceedings were hurried through by hastily recording the statements of six witnesses. By going through the depositions, no inference can be drawn that if the recording of the evidence had commenced at 10.00 A.M. or 10.05 A.M., the recording of the evidence could not have been completed by 11-30 A.M. There is also no dispute that Ext. M.16 letter requesting for an adjournment was received at 11.50 A.M. as endorsed thereon by the Enquiry Officer.

11. The bona fides of the Enquiry Officer's decision to proceed *ex parte* is clearly demonstrated by the contents of Ext. M. 17 letter referred to in Para 9 Supra. As it is, there was a default on the part of the delinquent in making appearance before the Enquiry Officer at the scheduled time. If the delinquent had personally appeared before the Enquiry Officer and made a request for the adjournment, may be, on the ground that his representative who is to defend him, has not arrived and that request was refused, then it would have been possible for him to contend that reasonable opportunity to defend was denied. But, the delinquent had absolutely no justification to remain silent when he received Ext. M.17 letter which, though not in express words, impliedly offered a chance to the delinquent to seek re-opening of the enquiry and to recall the witnesses for cross examination by his representative. The absence of any such request on the part of the delinquent has given rise to a firm argument on the part of the II Party that the sole intention of the delinquent in sending Ext. M.16 letter by Registered Post just is on the previous day was only to reserve a handle to be used in case the findings of the Enquiry Officer were to go against him. The circumstance that the enquiry officer did not proceed to finalise the proceedings and waited till 4th of January, when he sent Ext. M. 18 letter indicating his proposal to recommend punishment of dismissal, also shows the bona fides on the part of the Enquiry Officer. There is absolutely no explanation given by the delinquent as to why he did not avail of the interval between the receipt of Exts. M. 17 and M. 18 letters to requisition the services of his representative with a view to re-open the proceedings for offering a cross examination of the witnesses.

12. But it was urged by the Counsel appearing for the delinquent that from the previous correspondence that was exchanged between the parties, the Enquiry Officer was made known that the delinquent was to be defended by the representative of the Union who has to come down from Bombay and that the Enquiry Officer ought to have also known that such a representative has not come and that that must be the reason as to why neither the delinquent nor his representative were present. All these are very easy for the I Party's Counsel to say if only the I Party were to forget his elementary duty of being present at the scheduled time and making his request. There was no condition attached saying that no enquiry is to be held unless the delinquent or his representative is present. I hold that viewing the case from both points of view, that is, what had taken place prior to 10-12-1968 and what had taken place subsequent to 10-12-1968, the Enquiry held was not bad and against the principles of natural justice because it was an *ex parte* enquiry.

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13. In order to appreciate the second and the third contentions raised on behalf of the delinquent, the following facts are required to be set out :

On 4-1-1969, as per the original of Ext. M.18, the Enquiry Officer forwarded a true copy of the proceedings of the Enquiry held by him on 10-12-1968 and also informed the delinquent that he is of the opinion that the charges levelled against him are proved and that the proposal is to recommend to the Disciplinary Authority the penalty of dismissal. On 25-1-1969, the delinquent made a representation as per Ext. M.19. As per Ext. M.27 dated 25-2-1969, the Enquiry Officer drew up his enquiry report which contains the findings in support of his conclusion as well as the reason as to why an *ex parte* enquiry was held and also recommending the penalty of dismissal to be imposed. The Disciplinary Authority, viz., the Executive Committee of the Board of Directors agreed with the Enquiry Officer's report, (vide Ext. M. 20 dated 13-3-1969 and what followed was Ext. M. 21, order of dismissal dated 14-3-1969.

14. Now, it is urged by the Counsel appearing for the delinquent that the Enquiry Officer was not competent to propose any punishment to be imposed, that this itself shows that the Enquiry Officer was highly biased against the delinquent and that, at any rate, the Enquiry Officer could not have issued Ext. M.18-letter proposing the penalty of dismissal unless in the first instance, he had pronounced his findings and communicated the same to the delinquent. The third and last submission made in continuation of the foregoing contentions is the following :—

"That the Disciplinary Authority has not duly considered the previous record".

14A. Now as regards the propriety of the Enquiry Officer addressing a letter in terms of Ext. M. 18, it is seen from the procedure contained in para 19.12 of the First and the Second-Bipartite Settlement between the Indian Banks and the All India Bank Employees' Association that at the end of the enquiry, a hearing is required to be given to the delinquent as regards the nature of the proposed punishment in case any charge is established against him. This particular direction does not indicate specifically as to which authority had to give this hearing. But when the direction says that the hearing is to be given in case any charge is established against him, it can rightly be contended by the II Party that such a hearing could as well be given by the Enquiry Officer for he has to decide finally whether any charge is established against the delinquent. The delinquent can be called upon to make his statement as regards the nature of the proposed punishment. Of course such a hearing would become superfluous if, subsequently, it is to be held that no charge is established. Therefore, it cannot, under any circumstances, be urged by the delinquent that the Enquiry Officer ought not to have addressed Ext. M. 18 letter calling upon him to make his statement as regards the nature of the proposed punishment.

15. In Ext. M. 18-letter, the Enquiry Officer has taken the precaution of communicating that he has formed the opinion that the charges are established. There is no substance in the submission of the delinquent's counsel that the Enquiry Officer ought to have formulated his enquiry report and communicated a copy of the same along with the records of the Enquiry. This is because, as rightly pointed out by the II Party's Counsel, while forwarding his enquiry report, the Enquiry Officer is also required to incorporate his proposals regarding the penalty to be imposed and the making of the recommendations regarding punishment could not be done by the Enquiry Officer after he has drawn up his enquiry report for once he draws up his enquiry report, he is bound to forward the same to the Disciplinary Authority and he would be *functus officio* thereafter.

16. There is also no substance in the submission of the Delinquents Counsel that the previous record was not considered by the Disciplinary Authority as required under para 19.12 (c) to the First and Second Bipartite Settlement and that failure in that respect has resulted in violation of the principles of natural justice.

Dealing with para 521(10) of Sastry's Award (which corresponds to para 19.12(c) of the First and the Second Bipartite Settlement) which provides that in awarding punishment, the past record is one of the relevant consideration, it was held by the Delhi High Court in the workmen of the Indian Overseas Bank—vs.—Indian Overseas Bank (1973 I LLJ 316) that such a provision only means that if at any stage

the past record is brought to the notice of the Disciplinary Authority and the Disciplinary Authority refused to consider the same, then such refusal may be said to cast an infirmity on the ultimate order of dismissal and that if the past record is not brought to the Disciplinary Authority's notice, the omission to refer to it cannot by itself cast such a fatal infirmity on the order ultimately passed. In the present case, the delinquent had not relied in his reply Ext. M. 19 to the Show Cause Notice Ext. M.18 on his past conduct. Even in the I Party's statements, there is no clear statement that the omission to refer to his past record which is good has resulted in too heavy a punishment being imposed. Mere absence to mention consideration of the previous records will not ipso facto prove that the authority has not considered the previous records (See Attawar Rahman-vs-Collector of Central Excise) (1960 I FLR 477). Further, as rightly pointed out by the II Party's Counsel, consideration of past record becomes immaterial in the case of serious misconduct. In the present case, independently of the past record, whether good or bad, the misconduct established justified the penalty of dismissal. The misconduct established against him was that he forced himself inside the Managing Director's chambers and started behaving in a riotous manner towards the Managing Director threatening bodily injury to him. That incident is partly admitted by the delinquent who has the temerity to say in his reply Ext. M.2 dated 31-8-1968 to the charge-sheet (Ext. M.1) that he has a sort of a right to enter the Managing Director's room whenever he wants because he is an Office Bearer of the Union and there is no Sign Board; 'No Admission without permission' displayed outside the Managing Director's Office and that what he told the Managing Director was in the best interest of the industrial relations. It was rightly pointed out by the II Party's Counsel that if such an attitude on the part of the delinquent were to be condoned, then there would be no discipline in the office, of any member of the staff being at Liberty to enter the Managing Director's Chambers at any time for the least provocation.

17. For the foregoing reasons, it must also be held that no such plea like that the plea of victimisation which is to be postponed for consideration, if permissible, as per any request on the part of the delinquent, would arise for consideration. The point of dispute and the issues are held against the I Party.

18. In the result an Award is passed holding that the action of the management in dismissing the delinquent K. Mohandas G. Mallya is justified.

(Dictated to the Stenographer, transcribed by him and corrected by me).

F. L. F. ALVARES, Presiding Officer,
Industrial Tribunal,
Bangalore.

[F. No. 23/87/69/I R. III D.IIA]

R. P. NARUJA, Under Secy.

गृह मंत्रालय

(कानूनी और प्रशासनिक सुधार विभाग)

नई दिल्ली, 1 अप्रैल, 1978

का० जा० 1026.—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (6) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नियमित मामला संख्या 3/71-सी० आई० यू०- (भूतपूर्व आनन्दमार्गियों की हत्या) में पटना उच्च न्यायालय में अभियुक्त श्री प्रभात रंजन सरकार तथा 4 अन्यो द्वारा अपनी बोध-सिद्धि के विरुद्ध वायर की गई अपीलों का विरोध करने हेतु श्री बी० बी० लाल, अधिवक्ता, दिल्ली को विशेष लोक-अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/10/78-ए० बी० डी० II (ii)]

MINISTRY OF HOME AFFAIRS

(Department of Personnel & Administrative Reforms)

New Delhi, the 1st April, 1978

S.O. 1026.—In exercise of the powers conferred by sub-section (6) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri B. B. Lal, Advocate, Delhi, as a Special Public Prosecutor for contesting the appeals filed by the accused Shri Prabhat Ranjan Sarkar and 4 others against their conviction in the Patna High Court in case No. RC-3/71-CIU (murder of ex. Anand Margis).

[No. 225/10/78-AVD. II (ii)]

का० जा० 1027.—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (6) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा नियमित मामला संख्या 3/71-सी० आई० यू०- (भूतपूर्व आनन्दमार्गियों की हत्या) में पटना उच्च न्यायालय में, अभियुक्त श्री प्रभात रंजन सरकार तथा 4 अन्यो द्वारा अपनी बोध-सिद्धि के विरुद्ध वायर की गई अपीलों का विरोध करने हेतु श्री पा० के० चौबे, अधिवक्ता, वाराणसी को विशेष लोक-अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/10/78-ए० बी० डी० II (iii)]

टी० के० सुब्रह्मण्यन, अवसर सचिव

S.O. 1027.—In exercise of the powers conferred by sub-section (6) of section 24 of the Code of Criminal Procedure 1973 (2 of 1974), the Central Government hereby appoints Shri P. K. Chaube, advocate, Varanasi, as a Special Public Prosecutor for contesting the appeals filed by the accused Shri Prabhat Ranjan Sarkar and 4 others against their conviction in Patna High Court in case No. RC 3/71-CIU (murder of ex-Anand Margis).

[No. 225/10/78-AVD. II (iii)]

T. K. SUBRAMANIAN, Under Secy.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 30 मार्च, 1978

का० आ० 1028.—केन्द्रीय सरकार, कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 637 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के भूतपूर्व वित्त मंत्रालय (कम्पनी कार्य और बीमा विभाग) की अधिसूचना सं० सा०का०नि० 71 तारीख 1 जनवरी, 1966 को अंगतः उपान्तरित करते हुए, उक्त अधिनियम की धारा 555 की उपधारा (7) के खण्ड (ख) के अधीन, नीचे की सारणी के स्तम्भ (1) में विनिर्दिष्ट अधिकारियों को, उक्त सारणी के स्तम्भ (2) की तत्सम्बन्धी प्रविष्टि में विनिर्दिष्ट रकम का संवाय करने के लिए उस खण्ड के अधीन आदेश देने के लिए सरकार की शक्तियाँ प्रत्यायोजित करती है, अर्थात्:—

सारणी

अधिकारी	रकम
(1)	(2)
कम्पनियों के सभी रजिस्ट्रार	500 रुपए तक
कम्पनियों के सभी रजिस्ट्रार (श्रेणी I)	500 रु० से 1000 रु० तक
कम्पनी विधि बोर्ड के प्रादेशिक निदेशक	1000 रु० से अधिक

2. केन्द्रीय सरकार यह और निदेश करती है कि कम्पनियों के रजिस्ट्रार और प्रादेशिक निदेशक इस प्रकार प्रत्यायोजित शक्तियों का प्रयोग और कृत्यों का पालन कम्पनी विधि बोर्ड के नियंत्रण के अधीन रहते हुए करेंगे

[का०सं० 5/6/77-सीएल-5]

के० एस० शर्मा, अवर सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Company Affairs)

New Delhi, the 30th March, 1978

S.O. 1028.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 637 of the Companies Act, 1956, and in partial modification of the notification of the Government of India in the late Ministry of Finance (Department of Company Affairs and Insurance) No. G.S.R. 71 dated the 1st January, 1966, the Central Government hereby delegates the powers and functions of that Government under clause (b) of sub-section (7) of section 555 of the said Act to the officers specified in column (1) of the Table below for making an order under that clause for payment of the sums specified in the corresponding entry in column (2) of the said Table, namely:—

TABLE

Officers	Sums
(1)	(2)
All Registrars of Companies	Upto Rs. 500
All Registrars of Companies (Grade I)	From Rs. 500 to Rs. 1000.
Regional Directors of the Company Law Board	Above Rs. 1,000

2. The Central Government further directs that the Registrars of Companies and the Regional Directors shall exercise the powers and perform the functions so delegated to them subject to the control of the Company Law Board.

[File No. 5/6/77-CL.V]

K. M. SHARMA, Under Secy.

